

**Give all Irish Citizens the Right to Vote**



VotingRights.ie

*“The establishment of a government representative of the whole people of Ireland and elected by the suffrages of all her men and women.”*

*The Proclamation of 1916*

*“If you are an Irish citizen living abroad you cannot be entered on the register of electors. This means that you cannot vote in an election or referendum here in Ireland.”*

*Statement on the Irish Election website*

*“The Department of Foreign Affairs and Trade estimate conservatively that some 1.73 million citizens are currently resident outside the State.”*

*Government Options paper 27/03/17*

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## Landmark Moments in the History of Expanding the Vote

1829 – Catholic Emancipation allows Roman Catholics to hold office but property qualifications also increase, effectively reducing the franchise from 216,000 to 37,000 men.

1910 - 207,598 votes are cast in Ireland in the last British General Election before WWI

1914 – Third Home Rule Bill passed but suspended with outbreak of WWI

1916 – On eve of Easter Rising only about one in six adults have the right to vote, roughly 15 percent of the Irish adult population. Women are not allowed to vote.

1916 - Easter Proclamation calls for ““The Establishment of a government representative of the whole people of Ireland and elected by the suffrages of all her men and women.”

1918 - British election – franchise extended to all men over 21 and all women over 30. A total of 1,015,515 voters cast their ballot in the Free State

1918 - First Dáil declares an Independent Irish Republic granting voting rights to all men over the age of 21 and all women over the age of 30

1922 –Constitution reduces the voting age for women in elections for Dáil Éireann from 30 to 21

1923 – With women over the age of 21 now able to vote a total of 1,786,318 voters cast ballots in General Election

1969 – Northern Ireland Civil Rights Association launches “One Man, One Vote” campaign which becomes one of the sparks touching off “The Troubles.”

1972 – the Fourth Amendment of the Constitution reduces the voting age to 18.

1984 – Voter approve Ninth Amendment of the Constitution giving UK citizens the right to vote in Dáil elections, reciprocating Irish citizens' right to vote in UK elections under the Ireland Act 1949.

1998 – 19<sup>th</sup> Amendment to the Irish Constitution is approved allowing Article II and Article III of Irish Constitution to be amended to reflect the Good Friday Agreement. Ireland accepts the principle of consent for a united Ireland and removes long standing territorial claim.

2006 - Voting Rights extended to prisoners

2013 – Delegates at the Constitutional Convention vote overwhelmingly to support the right of overseas citizens to vote in Presidential elections. A total of 78 percent of the delegates vote in favor of the motion for citizens abroad; 73 percent support giving the vote to Irish citizens in Northern Ireland.

*Summary based on work of John Dorsey- historian and editor of “The Irish Story”*

## **Section 1: Emigrant voting in context**

The history of democracy in Ireland – as around the world – has historically been one of the expansion of rights from the elite to the many. There have been two pivotal moments in Irish history when the right to vote was expanded. The first, under Daniel O’Connell, was Catholic Emancipation; the second was at the founding of the Free State, when women were granted equal rights to vote.

In the 19<sup>th</sup> Century, Daniel O’Connell’s liberation efforts secured the emancipation of the Catholic population of Ireland. Yet this emancipation did not come close to including all citizens. It was limited, in accord with the global standards of the time, to men of property.

On the eve of the Easter Rising in 1916, only one-in-six Irish citizens were men with enough wealth to qualify for the vote. The rebels of 1916 rejected this limited vision of representation, and made universal suffrage for all men and women a core principle of the rebellion. The Proclamation of 1916 called for “The establishment of a government representative of the whole people of Ireland and elected by the suffrages of all her men and women.” By 1923, all citizens over 21 living in Ireland, numbering nearly 1.8 million men and women, could vote.<sup>i</sup> Ireland was in step with democratic nations around the world in granting women the right to vote, as the women’s suffrage movement swept the globe. The same, unfortunately, cannot be said today.

### **Ireland has not lived up its revolutionary ideals of equality and inclusivity**

One hundred years after the Rising, an estimated 1.73 million Irish citizens<sup>ii</sup> – are disenfranchised. The ideal first imagined by Thomas Clarke, James Connolly and Patrick Pearse – a Republic based on inclusiveness and equality for all citizens – has not yet been achieved, due to an unequal and exclusive notion of citizenship

Recent estimates suggest that there are now about 130<sup>iii</sup> nations and territories that allow their citizens to vote no matter where in the world they live. In contrast, in Ireland the rights of citizenship are defined by geography. So while the government seeks to actively engage its overseas citizens for economic, cultural and social purposes, it cuts them off from the political life of the nation.

Ireland has a choice: either expand the franchise and meet 21<sup>st</sup> century democratic norms, or accept a status quo that over time will result in a less democratic, less equal and more insular nation.

It was fitting to honor the men and women of 1916 during last year’s Centenary celebrations. We can honor them even more through re-inventing our democracy to expand our concept of Irish citizenship and democracy to meet the demands of the 21<sup>st</sup> century. To do this, Ireland must fully embrace its citizens abroad and allow them their place in the political process.

In summary, Ireland’s current voting rules and regulations are no longer fit for purpose: they do not meet current E.U. or global norms; fail to meet the principle of equal citizenship first expressed in the Proclamation and fail to meet the inclusive ideals embodied in Irish Constitution. Surely we can do better.

### **A third historic opportunity to expand the franchise**

The Taoiseach and the Cabinet have approved a national referendum on whether Irish citizens living overseas and in Northern Ireland should be allowed to vote in future Presidential elections. As a follow on the Department of Housing, Planning, Community and Local

Government and the Department of Foreign Affairs and Trade released a long-awaited options paper in March on how Irish citizens living overseas could vote in the future Presidential Election.

We believe that the decision by the Taoiseach and the Cabinet to propose a national referendum offers Ireland a third historic opportunity to expand the voting franchise. The Taoiseach's move is a natural follow-up to the Constitutional Convention in 2013, which examined the issue of voting rights for citizens outside the state in Presidential elections. That resulted in the recommendation that citizens outside the state should be given the vote, with 78% of the Convention's delegates supporting the right of emigrants to vote in Presidential elections and 73% supporting the rights of citizens living in North Ireland to vote as well.<sup>iv</sup>

Allowing Irish citizens living abroad to vote in the future Presidential elections is a positive first step. Other democratic reforms can follow in time after further public debate such as allowing emigrants to vote in future national referendum, reform of the Seanad and giving emigrants some form of representation in the Dáil. Voting is the most fundamental right of citizenship; in the 21<sup>st</sup> century, this right should be retained no matter where a citizen lives

### **The democratic and political legacy of the Irish abroad**

Some question the right of Irish emigrants to voice their concerns about matters of state. Yet throughout Ireland's history, Irish political exiles and economic migrants have played key roles in the history of the nation. As noted historian Professor Joe Lee has stated, "No New York, no America, no Rising - simple as that." <sup>v</sup>Thomas Clarke, the President of the Provisional government, uniquely symbolized the vitality of the emigrant link returning to Ireland from New York as a United States citizen to lead the rebellion. Irish American emigrants would go on to raise millions of dollars to sustain the Free State during its inception. Other emigrants also actively fought during the Rising. One of the first units of Volunteers to seize the GPO was the Kimmage brigade made up of 95 emigrants from London, Liverpool, Manchester and Glasgow.<sup>vi</sup> In the aftermath of the fight for Independence over 500 Volunteers, almost 20 percent of all Volunteers who fought to establish the Free State would become emigrants themselves and have their government pensions sent to them overseas.<sup>vii</sup>

From famine times through the 1970s emigrants kept their families at home afloat through generous remittances, often at considerable cost to their own economic security. For over two decades the powerful Irish American lobby has used its political leverage to engage three successive American presidents - Clinton, Bush and Obama – to help end the Troubles and maintain the peace process in Northern Ireland. In recent years the Irish Diaspora has been quick to lend a helping hand and economic support in response to the Great Recession. The Global Diaspora's philanthropic networks raised millions to sustain Irish charities back home, Irish business and tech leaders around the globe created new networks, and tens of thousands of Irish Americans responded to the Gathering.

### **The urgency of a democratic reform agenda**

There is a great urgency to the expansion of the franchise. Every day new headlines suggest a change of enormous magnitude for Ireland, the E.U. and even in the established international order. One is reminded of the opening line of Charles Townshend's epic history on the fight for Irish independence in his book *The Republic*, "Ireland in 1918 hung, like the rest of Europe, on the edge of an epoch." Are we in a similar moment of transformation? <sup>viii</sup>

In the years ahead we will have to come to terms with Brexit, a changing EU, the possibility of a new Constitutional relationship with Northern Ireland as well as a substantial population growth (the Central Statistics Office is predicting a population of 6.7 million people by 2046)<sup>ix</sup> that will surely strain public infrastructure. These challenges and many more will demand much of our democracy. The people of Ireland will be asked more than once to make important decisions in the coming decade that will define Ireland for the rest of the century.

The conundrum of course is that as much as Ireland is expansive and outward looking, there is always the temptation to turn inward, away from the realities and demands of a changing world. Indeed there has been a tension in Irish political life between the egalitarian impulse and a conservative status quo. We therefore suggest then that the proposed Constitutional referendum is more than just a vote on whether Irish emigrants can vote for future Irish Presidents. In many respects this vote will be an opportunity to consider the relationship between Ireland and its citizens in the years to come.

Will fellow citizens continued to be denied the vote - or will Ireland continue to grow as an outwardly-looking nation prepared to face the challenges of the coming times? Now is the time to summon the strength of the entire Nation. Every Irish citizen, regardless of where they live, has talents and expertise that can be harnessed to meet the multitude of challenges that Ireland will face in the coming decades. Economists, trade experts, technology leaders, political thinkers, creative Ireland, rural Ireland, the youth of the Nation and millions of Irish emigrants overseas who are at the centre of the global Diaspora – all have a role to playing in sustaining the nation.

Ireland plays many vital roles across the globe: The Defense Forces sustain the U.N., the Navy rescues migrants from the Mediterranean Sea, our overseas charities act globally and our businesses export around the world. The nation exports arts, culture and sports. There are over 400 GAA clubs around the world. Ireland enjoys its global reputation in large part because millions of Irish abroad by their skill, networks and loyalty have made Ireland an easy sell. These citizens now seek their rightful place as full participants in the civic life of the nation by casting their votes for future presidents of the Irish nation.

### **The egalitarian impulse in Irish politics**

The egalitarian impulse in Irish politics has always come up hard against a conservative status quo and it will no doubt surface again as we seek equality in the voting booth for Irish citizens living abroad. Critics will be quick to put forward the “no representation without taxation” demand and will go on to dismiss Irish citizens by descent as heritage citizens who should be allowed to visit, spend their money, have their passports stamped but have no real say in who should represent the Irish nation as President. The irony, of course, is that any future President of Ireland will then go out and visit the world wide Diaspora and praise these heritage citizens for their commitment and philanthropic support for all things Irish.

In his Mansion House address on “Remembering 1916” last year President Higgins went to considerable lengths to discuss this tension noting the hopes of the rebel leaders and the egalitarian language of the Proclamation versus the restraining power of the State, Church and property owners reflected in the redrafting of the Constitution of 1937. The President suggested that for Ireland going forward the “joy of making equality the central theme of our Republic remains for us.” We believe that the coming referendum on the right of Irish citizens overseas to vote will be an early indication of whether the citizens of Ireland will support the President’s aspirations.

This quest for an equal and inclusive nation most recently found expression in 2015 when Irish voters overwhelmingly voted to support a Constitutional referendum to allow for same sex marriage. The Yes campaign achieved broad support across age groups and genders as well as in rural and urban communities. It was also notable as thousands of Irish emigrants returned to Ireland to cast their ballots with #HometoVote gaining global Twitter status.

The following year the government made two significant outreach efforts to invite young people to participate in the Centennial commemorations: having the Irish Defense Forces present a new Irish Tricolour to every school in the nation and asking every school in the nation to create their own 21<sup>st</sup> century Proclamation.

Hundreds of primary and post primary schools actively participated in this program to create their own new 2016 Proclamations. What is most striking is the extent to which “equality” was the defining value expressed by Ireland’s young people. A total of 470 submissions specifically included a reference to equality followed by 385 submissions regarding education, 346 to protect the environment, 294 to improve health, 276 to address homelessness and 194 making a direct reference to expanding and protecting Irish culture.<sup>x</sup>

### **Expanding our concept of citizenship and identity**

We believe that the coming referendum will likely touch off a lengthy public debate on Irish citizenship and identity. We welcome this debate, which is long overdue. Here in the afterglow of last year’s Centenary celebrations we encourage the Irish people to recognise that we have lost touch with the inclusive vision of our founders. This profound and deep disconnection is best summed up by the terse statement on the Irish Election website:

*“If you are an Irish citizen living abroad you cannot be entered on the register of electors. This means that you cannot vote in an election or referendum here in Ireland.”<sup>xi</sup>*

That is as clear as can be: geography is more important than loyalty when it comes to citizenship. You may work or study in London but the fact that you are away from the island of Ireland requires you to abide by an out dated 18<sup>th</sup> month time limit restriction and then travel home at some expense to cast your ballot. Millions of citizens are now treated as second class simply because they are living in London or have gone to New York, the Gulf States or Australia to find work for a few years.

Christopher Kissane, an Irish academic originally from Kerry now based in London, wrote in 2015 opinion piece for the Irish Times:

*Yet moving abroad is not an affliction or a sin: it is, for better and worse, one part of being Irish. Like millions of other Irish people before us, recent emigrants have lives abroad as well as at home: as the filmmaker Dave Tynan said in Dingle, “the Irish nation extends beyond the Irish State”’. Ireland can both make itself a better place to live or return, and integrate its emigrants into a more inclusive national life. We need not be strangers to our own land.”<sup>xii</sup>*

Granting Irish citizens their right to vote is one direct way to integrate them into a more inclusive national life.

Kissane along with David Kenny, a Trinity College law professor, made the case in another Irish Times op-ed written in 2016 that Brexit “can be an opportunity for us to embrace an expansive, inclusive Irish citizenship.”<sup>xiii</sup> They added, “As we reach a century of independence, it is time to discuss what membership in our nation is to mean.”<sup>xiv</sup> Kissane and Kenny suggest that an expansive definition of citizenship that includes all of Ireland’s global citizens may provide the nation with many more opportunities to strengthen democracy and create new economic, social and cultural opportunities in a globalized world.



We agree. The coming debate on defining the rights of citizenship will pit a less democratic, less equal, inward-looking world view against a more expansive and inclusive political view that is more in line with what the founders of the nation fought for - a republic of inclusivity and equality.

This resonates with the recent words of the OECD, which noted in its Economic Survey of Ireland 2015 that a vote for emigrants would enhance its relationship with the Irish community abroad, as well as be beneficial for the emigrants themselves:

One aspect with significant room for improvement concerns emigrant's political representation and right to vote in Irish elections. Ireland is one of the few countries in Europe not to offer some form of suffrage to its citizens who live abroad (Honohan, 2011). The vast majority of countries have electoral systems allowing emigrants to participate in some ways in elections. Voting can allow states to build and retain highly productive connections with diaspora groups (Collier and Vathi, 2007).

Political participation is positively associated with well-being (Frey et al., 2008 and Blais and Gelineau, 2007). Thus, civil and political engagement is one of the building blocks of the OECD's Better Life index. Allowing for the participation of Irish emigrants in domestic electoral process would reinforce their attachment to Ireland, would bolster the linkages that Ireland has been successfully building over the years and would make a positive contribution to emigrant's well-being.<sup>xv</sup>

### **Growing support for emigrant voting rights**

Studies show broad and growing public and political support to giving emigrants the right to vote. The 2013 Émigré survey, "Irish Emigration in an Age of Austerity" found that a strong majority of the Irish public supported emigrant voting rights, with 79% supporting the vote for presidential elections and 69% for general elections.<sup>xvi</sup> Similarly, an Irish Times survey of emigrants found that over 60% of emigrants wanted the right to vote at home<sup>xvii</sup>

That desire for the right to vote among emigrants themselves was vividly demonstrated in 2015 as thousands of emigrants came home to vote for marriage equality, creating a global Twitter trend in the #hometovote movement. The enthusiasm for #hometovote was a direct expression of the desire of emigrants themselves have their say in policies made at home. This reflects that fact that disenfranchisement has concrete effects: policy decisions made at home can and do affect the lives of overseas citizens in defining ways.

Some decisions, such as those involving economic policies, social welfare, and education pricing, may affect whether emigrants can return home. Other decisions, such as those affecting certain forms of taxation, consular support levels, descendent citizenship, broadcasting, contributory pension levels and emigrant support, can have profound effects on the lives of those abroad. At-home voters rarely contemplate the effects of these decisions on citizens overseas, and because they have no voice in the political process, the Irish abroad are rarely able to make these effects known.

The reality is that our political vision hasn't kept up with changes in the emigrant experience, which is entirely different from what was 50 years ago. Emigrants keep in better touch with home than ever before, and we rely on them as much as ever. Emigrant remittances have been replaced by Irish networking organizations around the world. Emigrants can play a GAA match in Singapore or Dubai and then get the score of their local match from friends on Whatsapp in real time.

Modern emigration now involves multiple departures and returns. Irish emigrants are well educated, tuned in and proud to be Irish. And they take Ireland with them when they go overseas. They expand Ireland's reach and horizons; they bring Ireland's culture to every corner of the world. Equally important, they know what's going on back home, are often affected by it, and should be allowed to have a say.

### **Emigrants' aspirations to vote vs. status quo mentality**

There is now widespread desire for voting rights among emigrants themselves, according to a survey by Generation Emigration. The survey of 350 Irish people who left Ireland between 2008 and 2015 found that 62 per cent of respondents think they should be able to vote for the president, 63 per cent in general elections, 61 per cent in referendums and 53 per cent in Seanad elections.

The remainder were evenly divided between those who believed they should have no right to vote and those with no opinion. Younger people felt even more strongly, with 76% believing they should have a vote for president, general elections and referendums, while of those over 35, 58% are seeking a vote in general elections and 60% in referendums. Among those favoring voting rights, 60% believe they should not be limited by time, while about 10% favored time limits.

The desire of emigrants to vote has historically been stymied by a political status quo that sees no immediate political gain in expanding the franchise. While emigration has often been seen as an economic safety valve, it has also been viewed as a way to drain away the impetus for change among young people and those disenchanted the political process. Is it any wonder then that the political establishment has been slow to embrace the challenge of modernising the electoral system?

Some in politics hold to the outdated fear that Irish emigrants will vote in radically different ways to the Irish at home. Others fear large numbers of absentee voters 'swamping' the at-home electorate. And many deny the reality that Irish citizens overseas are directly impacted by policy decisions made at home. After reviewing 600 pages of political party manifestos and public commitments in the run up to the last General Election the London-based academic Christopher Kissane would write,

*"Emigration is only mentioned a small number of times, generally in the most generic terms: finding anything on the issue requires going through the documents with a fine-tooth comb. The complex issues behind emigration and return, and the varied lives of Irish citizens living abroad, are barely addressed in the parties' plans, reflecting our continuing lack of a proper national discussion about the subject."*

Kissane concluded by stating.

*"Irish election campaigns remain dominated by politicians offering populist sweeteners and local pandering to voters. Emigrants possess no votes to chase, and no constituency to be wooed, so it is sadly not surprising that the issue barely registers in the endless lists of policies and promises. Without votes, emigrants will remain ignored in Irish politics."*<sup>xviii</sup>

As far back as 2007 the economist and columnist David McWilliams questioned why Ireland claimed to be a globalized country but denied its emigrants the right to vote,

*"Maybe the reason is our political class do not want people rocking the boat, particularly people who are not beholden to them. A nice little cosy system has been constructed where*

*favours, strokes, and backhanders are the currency of political power. Any opening up of this clique could devalue the currency and undermine the power base that preserves the status quo ”.*<sup>xix</sup>

### **A lost generation of voters**

Since the start of the economic crisis, 240,000 young and mostly well-educated Irish citizens have left the country. Since 2009 the people of Ireland have gone to the polls six times to elect local councillors, two General Elections to elect T.D.’s and Senators, the President and to participate in two Constitutional referendums. Our concern is that many, if not the majority of these young people who have left, may never have had the opportunity to vote in an Irish election and therefore may simply disconnect from our nation’s civic life even if they return. Many will have had no opportunity to participate in elections in their new countries, as most (with the obvious exception of the UK) require immigrant residents to take up citizenship before voting.

### **Political views of the Irish abroad are diverse**

The question of how non-resident citizens might vote is one that has been asked frequently by political pundits and commentators. We believe that it is more than likely that their voting preferences will reflect the growing independence and diversity that Irish voters at home have been expressing in recent elections. There is little reason to believe that any one political party could lay claim to their allegiance and there is no polling data to support such a conclusion. Indeed what little polling data exists suggests just the opposite.

Last year, just before the general election, the Irish Times conducted an online survey of would-be emigrant voters. With a total of 948 emigrants responding, the poll indicated that the Fine Gael polled strongest with 23%, Sinn Fein with 13.7%, Social Democrats at 12.6%, and Fianna Fáil polled at 9%. 8.7% replied “I don’t know”.

In another symbolic vote, BallotBox.ie experimented with an online poll for disenfranchised emigrants in 2011. In that ‘election’, the results roughly mirrored that of voters at home, with Michael D Higgins being selected President. In the general election, Fine Gael was the winner.

While such an on-line voluntary survey cannot be considered conclusive by any means it does, however, give us a snapshot about how overseas citizens might vote. We also note that a significant number of the 240,000 Irish emigrants who left Ireland since 2008 were quite young and may not have yet settled on a political party especially when they remain disenfranchised and were unable to vote in either the last Presidential election and General election in 2015.

Political pundits will obviously focus in on whether giving citizens in Northern Ireland the right to vote for future President will play to the advantage of Sinn Fein. There are a total of 371,578 citizens holding passports that are over the age of 18. In the recent 2017 elections Sinn Fein received a total of 166,785 first preference votes and SDLP received 83,364 votes for a total of 254,149.

One might assume that the majority of Irish citizens who hold passports come from this nationalist bloc of voters but that still leaves an additional 117,429 passport holders unaccounted for in terms of political affiliation. Some might be under aged and ineligible to vote, some number might be members of the Alliance or Green Party or Unionists who obtained an Irish passport for practical reasons.

The reality is that expanding the franchise to allow overseas citizens to vote for next President of Ireland offers candidates of all political persuasion a new political landscape. It would also offer candidates and the political parties a strong incentive to campaign in London, Belfast or Derry and to become more aware and immersed in the global Irish experience.

### **Engaging the Irish abroad**

The introduction of the nation's first Diaspora policy, the creation of the Global Irish Network, the appointment of Ireland's first Minister for Diaspora, the launch of the Global Irish Civic Forum and the appointment of Billy Lawless, as the first emigrant Senator, are significant and positive steps forward in the transformation of Ireland's relationship with the Global Irish. The government has moved forward repeatedly to engage the wider Diaspora. We acknowledge the purposeful leadership of the Taoiseach Enda Kenny, Minister for Foreign Affairs Charlie Flanagan and Diaspora Ministers Jimmy Deenihan T.D. and Joe McHugh T.D. in advancing these efforts. Yet the pace of change is far too slow given the urgency of our times.

As Ireland continues to develop a relationship with its overseas citizens and the greater Irish Diaspora, the nation should strive toward inclusiveness and a two-way relationship. It is vital to give all citizens a voice in the direction of the nation and the policies that often have profound effects on their lives. The National Diaspora Policy wisely calls for a relationship "built on trust, respect and reciprocity."<sup>xx</sup> The policy's authors noted that emigrant voting was one of only two major themes that had emerged during the public consultation period. That reflects the growing levels of support for voting rights, both among the general public in Ireland and among the Irish abroad.

### **Meeting EU and global norms on voting rights**

The world's democratic norms have changed rapidly in the last decades. Ireland's reluctance to allow emigrant voting now puts the nation in outlier status: about 130 nations and territories now allow their citizens abroad to vote. Part of this is the changing nature of migration in the 21<sup>st</sup> century.

Social media and inexpensive air travel have profoundly changed the ability of overseas citizens to connect with the culture, social lives and politics of their home countries. Meanwhile, governments around the world are eager to keep in touch with their diasporas and frequently view political engagement as part of the range of activities that allow them to connect with their citizens abroad for purposes related to supporting the home country.

Ireland's reluctance to adapt to changing democratic norms has led Ireland and four other nations (Denmark, Cyprus, Malta, and the UK (which limits the emigrant vote to those away less than 15 years)) to be named by the European Commission in its 2014 guidance on disenfranchisement [European Commission of Communication COM (2014)33 and Recommendation C (2014) 391, "Addressing the consequences of disenfranchisement of Union citizens exercising their right to free movement."], which urged those nations to enable citizens who made use of their right to free movement in the EU to retain their right to vote in national elections.

The EU Commission said, "The main justification for disenfranchisement rules – that citizens living abroad no longer have sufficient links with their home country – seems outdated in today's interconnected world."<sup>xxi</sup>

## **Objections: Paying Taxes, Swamping, Northern Ireland**

There are some who will oppose giving overseas Irish citizens the right to vote. Much of the opposition centres on three major concerns: the idea that emigrants do not pay taxes, the fear of swamping and the issue of voters in Northern Ireland. This paper seeks to address each issue in some detail.

First, an argument is put forward that emigrants should be denied the vote because they are not paying taxes. Paying taxes, however, is not and has never been a requirement for citizenship. Citizenship is defined in Ireland by being born in Ireland, being an immediate descendent of an Irish citizen or becoming an Irish citizen by descent or naturalization.

Emigrating doesn't end one's tax obligations. Many emigrants are homeowners in Ireland, with some having left the country in order to pay the mortgage, and others inheriting a family home; they are subject to tax on the homes they own. Many more pay VAT when they are home for visits. And Ireland taxed all private pension accounts from 2011 to 2015 including those of emigrants, some of whom, depending on where they were residing, were unable to bring their accounts to the countries in which they were residing.

Frequently, when these taxes are pointed out to opponents of voting rights, they move the goalpost, saying that income tax should be the requirement. Yet many Irish residents are net beneficiaries of taxation. An Irish Times article in 2015 on tax revenue noted that, "this year 881,700 people will pay no income tax at all. That's 38 percent of all income earners. Some 648,700 people, 28 per cent of workers, will pay neither tax nor USC." <sup>xxxii</sup>

Yet no one would advocate putting forward a policy that you can't vote unless you pay an income tax, therefore taking these citizens - all 881,700 of them - off the voting register. Following that logic would have us revert to the 19th Century standard that only men of property could vote. No other nation in the EU, or indeed in the developed world, links citizenship to a tax requirement. This is simply not a democratic principle.

A second major objection that is raised is the fear of swamping - the assumption that there are so many Irish citizens living abroad and in Northern Ireland that they will "swamp" the home vote. This is a stance based on fear and a lack of recognition of the basic rights of citizens. International experience would suggest that this fear is unfounded: In most countries the real challenge is to encourage their overseas voters to cast their ballots. Additionally, there is sometimes a misconception that the entire Irish diaspora is seeking the vote. This is simply untrue. As the options paper notes,

*"The Irish diaspora, which includes those who identify themselves as having ancestral links to Ireland but who would have no current claim to citizenship, is said to be in the region of 70 million people worldwide. The number of people who would have a claim to Irish citizenship is a mere fraction of that figure. The number of actual Irish citizens currently resident outside the State is smaller still."*

### **Irish citizens in Northern Ireland**

According to the Government Options paper the total number of potential citizens in Northern Ireland who could become citizens is 1.87 million given the broad and inclusive language of the Irish Constitution. The total electorate in Northern Ireland is 1.2 million. Whether these potential citizens would choose to become Irish citizens is open to speculation. There is some anecdotal evidence that residents of Northern Ireland are choosing to become Irish citizens for practical reasons regarding travel and maintaining E.U. benefits rather than politics. And one could assume that some percentage of the 371,000 current Irish passport holders in Northern Ireland might want to vote for a future Irish President especially if they

were from Northern Ireland and followed in the footsteps of former President Mary McAleese.

Some commentators have already suggested that allowing citizens in the North to vote will only motivate Sinn Féin and/or increase Unionist resistance. Both may well be true in the short term but we are already seeing that Brexit is creating new thinking about the evolving relationship between Northern Ireland and the Republic. The constitutional and political landscape of Northern Ireland is changing rapidly and attitudes may be very different six years from now in the run up to the 2023 presidential vote.

That said here the core issues of how we define citizenship must be joined. Do we adhere to the inclusive vision of our Constitution or do we accept the worldview of the “Little Ireland” thinkers to limit the vote to as few as possible. As the options paper noted,

*“The unique situation of Irish citizens in the North and the fact that almost all those born in Northern Ireland are entitled to Irish Citizenship, make it essential that any options considered in relation to the extension of the franchise include this group. In developing policy in relation to the extension of the right to vote in presidential elections, there is also a need to take into consideration other identified Government priorities in the franchise area, notably in relation to Seanad reform and the establishment of an Electoral Commission and to take into consideration the Government’s Diaspora Policy”*

The Good Friday Agreement, which was overwhelmingly supported by the Irish people over 20 years ago, has a special “non-territorial” dimension to it. Citizenship is not rooted to the land. One important way can reinforce the spirit of the Good Friday Agreement is to recognise the non-territorial nature of the Irish Nation.

## **Section 2: Recommendations**

These ten recommendations represent an ambitious democratic reform agenda that will take a decade to achieve if not more. As in the 19<sup>th</sup> century and the early 20<sup>th</sup> century, global democratic standards have changed. Just as it was once unthinkable – anywhere in the world – that men without property could vote, or that women should be allowed their own political choices, it was once inconceivable that citizens living abroad would have any say in their home country. These recommendations are a way to re-imagine our nation and re-invent our democracy to meet the challenges of the 21<sup>st</sup> century.

### **Recommendation One:**

The State and the Irish people should develop a new understanding of Irish citizenship and political participation rooted in the Constitutional definition of belonging to the Irish Nation. This would fulfill the promise of the Proclamation and underpin and enhance the changing relationship between Ireland and the Irish abroad.

### **Recommendation Two:**

The government should put forward a Constitutional Amendment which is inclusive in its wording reflecting the democratic aspirations of the Irish people where ever they may live. Options 2.2.1 of the government Options paper best reflects this guiding principle as well as the recommendations of the Convention on the Constitution by providing equal treatment of all citizens

### **Recommendation Three:**

Recognise that voting by citizens in Northern Ireland in future Irish Presidential elections fits within the context of the Good Friday Agreement. The non-territorial dimension of the Agreement and ensuing changes in the Constitution facilitates such a vote.

### **Recommendation Four:**

Stand up a National Election Commission by 2018 and develop new approaches to increase voter participation and turnout. Emigrants should have representation on the proposed Board of the National Election Commission as well as having representation on the proposed Stakeholder Advisory Committee. The state should act swiftly to modernise the nation's voter registration system to allow for on-line registration for all new voters as well as emigrants living abroad.

### **Recommendation Five:**

As a short-term measure, the government should extend the period of ordinary residency for voting eligibility from the current 18 months to three years as proposed by the former Minister of State for Diaspora Jimmy Deenihan. For the medium to long term the government should reexamine the necessity of time limits given changing emigration patterns and the reality that the vast majority of EU nations and democracies worldwide have done away with them.

### **Recommendation Six:**

Take up the recommendations of the Manning Report to reform the Seanad which would allow for representation for overseas citizens.

### **Recommendation Seven:**

All citizens should be allowed to vote in future national referendums. Referendums are defining moments in the life of the Nation, and Constitution is the binding document that defines our role as citizens. The Government should also begin to study the feasibility of allowing Irish residents outside the State to be represented in the Dáil, possibly through a reserved constituency, e.g. 5 seats.

### **Recommendation Eight:**

Diaspora engagement policies should include opportunities for political participation. The government and its Ministers should find new ways to engage emigrants through social media, the continuation of the biannual Irish Global Civic Forum and the development of an Annual Emigrant Poll conducted by the Dept. of Foreign Affairs & Trade with the support of the Central Statistics Office.

### **Recommendation Nine:**

The government should develop a more robust and long-term strategy of examining policies affecting overseas citizens, including a comprehensive review of issues that act as roadblocks for those who wish to return, as well as examining how aspects of legislation may affect the lives of those abroad.

### **Recommendation Ten:**

The government should mount a robust political and media campaign to encourage the people of Ireland, including the families of Irish emigrants, to support the right of their family members and fellow citizens to vote “Yes” on the proposed Constitutional referendum

## **Conclusion**

It is our belief that allowing all Irish citizens residing outside of the state to vote in future Presidential elections offers Ireland a third historic opportunity to expand the franchise: to follow in the footsteps of Daniel O’Connell who ended the discrimination against Catholics; to follow in the footsteps of Countess Markiewicz and others leaders of the early Republic who sought to give the women of Ireland the right to vote in the aftermath of the rebellion and the creation of the Free State.

The time has come to complete the vision of our founders and fulfill the promise of the Easter Proclamation to elect a “*government representative of the whole people of Ireland and elected by the suffrages of all her men and women.*” Building on the many initiatives in the last decade to engage the Irish abroad, and building on the recommendations of the 2013 Constitutional Convention, we put forward these ten recommendations to Ireland’s political and civic leaders - and, more importantly, to the people of Ireland at home and abroad.



### Section 3: Emigrant Voices

**Sarah Cantwell is a member of Votes for Irish Citizens Abroad (VICA). She is an Offaly native who has been living in London for five years.**



I was born and reared in Offaly. I went to university in Dublin and lived there for several years before moving over to London when I was twenty six.

As a child of the Celtic Tiger, I grew up hearing I would never have to migrate except by choice, and that large scale economic emigration from Ireland was firmly in the past. But that all changed around the time of the Irish bailout in late 2010. Alongside pictures of the Troika walking along towards Government buildings to “take over”, I remember my aunt passionately saying that this was the 1980s happening all over again. Mass emigration being used by the government as an economic safety valve and Ireland losing a big chunk of another generation of people - again.

I’ve been in London for almost five years now and I’m learning how to enjoy the good aspects and survive the challenging bits. I’ll probably be here for another few years, because I’m not sure of my employment prospects in Ireland yet – but I do want to move back eventually. Some of my best friends live in Dublin and I’d love to spend more time with my family. When I come back to London after a trip home, I notice I’m emotionally wobbly for a few days afterwards. So I personally seem to have deep-set roots in Offaly and Dublin and after five years they haven’t stopped being discombobulated each time I return to London.

Others, of course, will experience emigration differently to me. Just as some citizens – whether living abroad or at home – are more politically active than others. The Irish state has nothing to lose and everything to gain from embracing and facilitating citizens who want to be involved and invest their energy and commitment and love in Ireland.

The Irish state invested in me in as a young citizen, growing up in Offaly and becoming an adult in Dublin. I feel very deeply that Ireland needs a return on that investment. Facing the vast economic and political challenges of Brexit and facing its own internal convolutions and evolutions as a still-developing democratic state, Ireland needs all of the energy and love and commitment it can get – both from its citizens at home and those abroad. And one of the fundamental ways for a citizen to be involved is to be able to exercise their right to vote in its general elections and referenda.

As with many other political issues, the Irish State has prevaricated for decades on its responsibility to give proper franchise all of its citizens. I for one feel that this is a deeply suspect, politically-motivated prevarication that had more to do with a tendency to keep voices repressed than with any practical obstacles. I joined the Votes for Irish Citizens Abroad group in London, because it allows me to contribute to positive action on helping Ireland to give full rights to the voices of all its citizens. Voting rights in presidential elections is a step in the right direction but the right of all citizens to participate in other meaningful political and democratic processes are recognized by the majority of other countries worldwide.

## Morgan O'Sullivan

*Morgan O'Sullivan is an Irish emigrant who is living in Florida since 2004. He is the Director of Student Financial Services at Lynn University and is currently working on his doctorate in Educational Leadership.*



“As an Irish citizen living abroad for the last 12 years, I would like to think that my voice would be heard at home. I read the daily papers online; I download the various podcasts; I listen to the hurling and football matches; and I’m in contact with home on a daily basis on the phone and FaceTime. No trip to daycare or school in the morning is complete for Caitlin, Sean and Molly without practicing their numbers and colours in Irish. A road trip is not a road trip without the traditional sing-along with all of the trusted favourites from the “Fields of Athenry” to the “Wild Rover”. We have raised our little ones to be proud of their Irish roots and heritage, and they gladly announce this in their classrooms. Yet the reality is that our voices and the voices of those Irish scattered into every little corner of the globe, generate little more than a whisper when the voting rights of those living abroad are suggested.

Bunreacht na hEireann states that it is the “birthright of every person born in the Island of Ireland ... to be a part of the Irish Nation”. Wouldn’t it be nice if all those Irish citizens living abroad were allowed to be heard? The spirit and hope of 1916 seeks to inspire the youth of today to embrace new dreams and ideals. Is it too much of a dream, to ask for the right to vote and to be a part of the Irish Nation we so love? The spirit of the constitution talks of “every person”, yet 20% of all Irish citizens are disenfranchised from the right to vote as soon as they set off from the loneliest of airports.



We have become ambassadors on every level and have grown to the top levels in industry and business and society around the globe. The Irish government has been happy to invite us home for “The Gathering” and been happy to invite Irish owned companies back to the emerald isle to set up and invest in the country. All of these are good and positive things. Surely it is not too much to allow those of us living abroad a say in how we would like to see Ireland grow and develop.

Ireland is world famous for Waterford Crystal, Guinness and Kerrygold amongst many other things. However our greatest export is our people and the amazing young minds that have left the island to build a new life further afield. Very often we have left out of economic necessity, lack of opportunity, and a lack of hope. We represent the people of Ireland every day in everything we say

and do. Many of us want to return home but cannot. Many of us will want to come home in the future, but will not be able to. Our hearts will always be in Ireland. Our voices have been silenced for too long.”

## Jack Cantillon

**Jack Cantillon is a trainee solicitor with Linklaters in Madrid, on secondment from their London office. He left Ireland in 2014.**



“Welcome home, Jack.”

I smile and thank the passport control lady. It is home and always will be. This vote right represents all that Ireland is and what always will be. Globally minded, unflinchingly patriotic and filled with common sense. 20% of Irish nationals live abroad - one million proud but disfranchised Irish.

A nation celebrated for our love of travel but whose emigrant citizens lose their voice in their own country for going out and being ambassadors throughout the world. Those very ambassadors that define what it is to be Irish - from James Joyce in Paris to Michael Fassbender in Hollywood and from the builders of the railroads of America to the Collison brothers building Stripe in Silicon Valley. This cannot continue.

I work for one of the world's biggest law firms with offices in 29 locations throughout the globe. Each day I interact with people from across our offices, I can't wait until they ask

where I am from such is my sheer unadulterated pride in our nation. In my own small way, as we all are abroad, an ambassador.

Our nation and any nation for that matter is not defined by lines on a map. It is defined as “a large body of people, associated with a particular territory, that is sufficiently conscious of its unity to seek or to possess a government peculiarly its own.” We Irish abroad treasure that association with our beautiful territory and yet we are not given a right to shape the government of our nation like virtually all of our EU counterparts. Barack Obama remarked on his state visit “never has a nation so small inspired so much in another.” A proud day for Ireland but he speaks of Ireland in the sense we all intuitively know it to be, a global nation of people united by our love but not our presence in the island of Ireland. It is now for our government to acknowledge that contribution of our global nation with voting rights for any Irish citizen regardless of geographic incidentals.

I may have left Ireland in a physical sense but that is the only way. I crave a resurgent Kildare making a run in the All Ireland. I talk about the weather far too much. I cure all my ailments with flat 7up. I am emotionally, culturally and passionately Irish. The passport lady knows it's my home. I know it's my home. It's time for governmental leadership to welcome us all home.



## **Hannah Little**

**Hannah Little, age 27 is Digital Marketing Manager who has lived in London for the last four and half years. She was born and raised in Dublin.**



As a proud and hardworking member of the London-Irish Abortion Rights Campaign it pains me that after 4 years living in the UK I have lost my right to vote in a future referendum on abortion access in Ireland. I plan on moving home in the next few years yet I'm excluded from having a say in the standard of healthcare that will be available to me when I return. If the government wants to encourage the 'generation emigration' back to Irish shores I believe they should start by giving us a stake in the Ireland we will return to.

## Conor O'Neill

**Conor O'Neill is a Policy Officer in an NGO, originally from Wexford who is returning to Ireland after living for four years in Brussels**



I've lived in Brussels for four years, but in a few weeks' time I'm moving back to Ireland. I'm really excited to come home, but frustrated to have had no say in the decisions taken over these past years – as if you've got no stake in the outcome if you're not home on polling day.

Our attitude to our citizens abroad is outdated and hugely out of line with the vast majority of democracies. When thousands of young people came home to vote for marriage equality in 2015, Taoiseach Enda Kenny thanked those who had “travelled from wherever to wherever, to put a single mark on a paper”, while the Labour Party said they were “humbled, proud, gladdened and moved” by the pictures of boatloads of young citizens coming to have their say. This was despite the fact that Government's refusal to deliver reform left them with no other means to participate.

One year beforehand, in May 2014, I watched frustrated as friends and colleagues here in the EU institutions went to their embassies or post boxes to vote in the European Parliament elections, to elect *their* MEPs. For 25/28 countries, it was no controversy or surprise that

French citizens could decide who represents them in the EP. The Irish contingent here in Brussels weren't afforded the same rights.

Since then, I've campaigned under the banner "We're Coming Back" because, like so many of this latest generation of Irish emigrants, I planned to return and had a clear stake in the political decisions taken in the interim. Ireland's direction is changed by Dáil Eireann and that affects Irish people abroad, their families, and their capacity to return – as citizens they deserve some level of representation and input. The basic point is that, as a modern democracy, we need systems in place that can adequately deal with migration. We're behind the rest of the world in this regard.

**Adam Patrick Fulham**

**Adam is President of the Irish Association of Latin America, having recently lived in Chile for two years. He is an alumnus of ITT Dublin as well as the Washington Ireland Program and plans to move to Brazil in the near future.**

## **3 Reasons for 3%**

### **#1. A Voice for the Voiceless**

1.7 million Irish Citizens live abroad today: it's an amazing fact, when you consider the size of our population. Yet, we have no voting rights, despite our notable cultural and financial impact on things back home. So, why not make a special Dáil constituency just for the Irish abroad? Five seats, or 3% parliamentary representation, for more than a quarter of our nation. After all, it's...

### **#2. The Global Standard**

About 130 countries have absentee ballot systems for their citizens abroad, meaning that Ireland is the exception, rather than the rule, when it comes to emigrant voting rights. Current government policy is in fact unusual by international standards and goes against our constitution's promise of equality for all Irish Citizens (*"It is the entitlement and birthright of every person born in the island of Ireland... to be part of the Irish Nation"*). Indeed, we are bottom in all of Europe, when it comes to...

### **#3. One Citizen, One Vote**

After graduating from ITT Dublin in 2013, I headed to Chile, where I immediately got involved in the Irish Community because of the help and familiarity that they offered. We eventually made a national Irish Association, to give advice and make events for newcomers. One of my strongest memories from my time there is when Ireland went to the polls on gay marriage, because it was all we could talk about! We were excited to see what would happen, especially as some had flown to Dublin just to vote. However, the experience was always bitter-sweet, as most of us couldn't afford to join our friends on the plane back home even if we really wanted to. Is it fair that some could vote, while others couldn't because of the money they earned? I'm not sure that is what our democracy should be about? If you can afford to vote you're allowed to vote.



*Adam and friends on St Patrick's Day in Chile*



## **Appendix 1**

### **Timeline: Recent Developments regarding Voting Rights for Irish Citizens**

2013 - Delegates at the Constitutional Convention vote overwhelmingly to support the right of overseas citizens to vote in Presidential elections. A total of 78 percent of the delegates vote in favor of the motion for citizens abroad; 73 percent support giving the vote to Irish citizens in Northern Ireland.

2014 - Jimmy Deenihan, T.D. appointed Ireland's first Minister of State for the Diaspora.

2014 - Ireland one of five countries (along with Denmark, Cyprus, Malta and the UK) named by the European Commission in its 2014 guidance on disenfranchisement.

2014 - Oireachtas Joint Committee on European Affairs issues report entitled "Voting Rights for Citizens Abroad" which recommends that the Government accept the principle that voting rights should be extended to Irish citizens abroad and proceed to design a system that would be workable in an Irish context; and create a national Electoral Commission.

2015 - The Manning Report on Seanad Reform calls for all passport-holding citizens, including those overseas and in Northern Ireland, to be able to vote in Seanad elections.

2015 - Thousands of recent Irish emigrants come home encouraged by the "Take the Boat 2 vote" social media campaign to vote "Yes" in the May constitutional referendum on same-sex marriage. In 24 hours the hashtag #HometoVote gets 72,000 tweets and becomes a global trend.

2015 - The Department of Foreign Affairs issues its first national diaspora strategy which includes promise to conduct a study on the policy, legal and practical issues of extending the franchise and in specifically the "precise eligibility for any extended franchise."

2015 - First Global Irish Civic Forum is held in Dublin. Over 200 diaspora leaders convene to discuss issues affecting emigrants in the first gathering of its kind.

2015 - Majority of Irish political parties including Fine Gael, Fianna Fáil and Sinn Féin support emigrant voting rights in their general election manifestos.

2016 – Taoiseach Enda Kenny appoints Joe McHugh T.D. Minister for the Diaspora.

2016 -Taoiseach Enda Kenny appoints long time emigrant and voting rights advocate Billy Lawless of Chicago, Illinois as first emigrant Senator to the Seanad

2016 - Taoiseach Enda Kenny calls for a Constitutional Referendum in 2017 that would allow 1.73 million Irish citizens overseas to vote in Presidential elections.

## Appendix 2

### Emigrant voting rights as a global democratic norm

The growth of emigrant voting rights as a global democratic norm has been rapid. Although in ancient times, the Roman Emperor Augustus instituted a postal vote, allowing senators in Roman colonies to mail in their votes for city offices, the trend toward modern emigrant voting didn't begin until the middle of the 20th century. Indonesia in 1953 and Colombia in 1961 introduced legislation with the intent of widely enfranchising non-resident citizens.<sup>1</sup>

The trend accelerated through the 1990s and 2000s; it was only in 2007, with the publication of IDEA's research on external voting showing 115 countries had instituted such systems, that the rapid growth of this phenomenon internationally became widespread knowledge among both academic researchers and policy-makers.

Since 2007, the growth of emigrant voting rights continues to be rapid and comprehensive, with about 130 countries now allowing it in some form. The Irish ban on emigrant voting is now set against a changing international landscape. Indeed, Ireland is now a democratic outlier at odds with the vast majority of European neighbors. As the issue of emigrant voting continues to develop, and its status as a global democratic norm becomes more pronounced, Ireland is likely to receive increased attention from its own citizens abroad, international agencies and global commentators for its restrictive stance.

In a 2009 survey of emigrant voting rights around the world, Michael Collyer discovered there were 129 countries that at that time allowed emigrant voting. Only 45 countries did not allow emigrants to vote at all. Twenty-three required emigrants to travel home to cast a ballot.

<b>Elections</b>	<b>Number</b>
No elections	9
Migrants prevented from voting	45
Migrants allowed to vote	129
-Migrants return to vote in home district	23
-Migrants vote abroad for home district	93
-Migrants vote abroad for direct representation	13

[Table: Collyer 2009]

Since 2009, however, there have been a number of countries that have added legislation to allow emigrant voting. These include Cameroon (2016), Comoros (2016), Egypt (2014), El Salvador (2013), India (2015), Niger (2016), and South Sudan (2011).

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<sup>1</sup> [LaFleur, 2013, p. 3].

### Appendix 3: Counterarguments

There are a number of counterarguments that are often raised when voting rights for the Irish abroad are discussed. The most common counter arguments arise around policies that affect emigrants, taxation, swamping, and the idea that the immigrant vote should be secured before emigrants are granted the vote.

#### Overseas citizens and policies made at home

It is commonly expressed by opponents that the Irish abroad should have no vote because they do not suffer the consequences of their decisions. This denies the reality of the lives of overseas citizens - they can be affected in large and small ways by policy decisions made at home.

One need look no further than the recent Brexit referendum, in which hundreds of thousands of British citizens - long-term expats with over 15 years living abroad - were banned from voting, to see an example of one way in which decisions made by at-home voters can profoundly affect the lives of non-resident citizens. In that case, it is arguably those most affected who were most likely to be disenfranchised. Many aspects of their lives are now at risk, including their ability to keep living in their current host countries, their contributory pension levels, their ability to access consular protection from other EU states in times of crisis, and more.

The lack of political representation in itself feeds into the belief that overseas citizens are unaffected by decisions made at home. With no accountability to overseas citizens in the Irish system, there is little need to pay attention to the democratic deficit that arises from their having no vote. Their interests, concerns and aspirations will be ignored so long as the system has no place for recognition of them. This results in a lack of awareness of the effects of policy decisions on overseas citizens - among both voters at home and often overseas citizens themselves.

With no representatives to speak for them, the interests of overseas citizens remain uncrystallised and unarticulated, and the population of citizens at home has little awareness of and no reason to respond to them. Paradoxically, it goes unrecognised that maintaining the status quo means that domestic voters, policy-makers and politicians are making decisions that can have profound effects on the lives of emigrants. In fact, the policies that affect emigrants are numerous. For those who are planning to return, these include:

**Economic policies** – The rates of emigration and return migration tend to correlate with unemployment levels. A well-functioning economy, with relatively low unemployment rates, will be a necessity to enable the large-scale return that many of today's emigrants are hoping for.

**Social welfare policies** – Emigrants have been adversely affected by the way in which the Habitual Residence Condition has been implemented. Despite pre-implementation assurances that returning emigrants would not be adversely affected by the condition, thousands of emigrants have been prevented from obtaining assistance such as job-seekers' and carers' allowances.

**Education policies** – Emigrants are affected by residency policies that determine pricing for third-level education.

**Spousal immigration legislation** – Citizens are affected by legislation that will affect their ability to return with their spouses or civil partners and families.

Policies which may affect overseas citizens whether they plan to return or not:

**Taxation** – Overseas citizens who have financial ties back in Ireland can be subject to various forms of taxation. Some have inherited family homes, for example, or have left behind private pension accounts that may be taxable.

**Emigrant support budget** – this budget provides funding for organisations working with Irish communities abroad, particularly the vulnerable and elderly among them.

**Broadcasting policy** – This affects whether Irish communities have access to national stations from abroad. This is a particular issue for the Irish in the UK, who have been adversely affected by decisions made in recent years regarding both television and radio broadcasting.

**Contributory pension levels** – Tens of thousands of overseas citizens are entitled to the contributory pension based on payments they made while working in Ireland. They are affected by adjustments in the level of payment and eligibility requirements.

**Consular protection levels** – Overseas citizens will at times require the protection of Ireland in the form of consular services. They may be adversely and disproportionately affected by cutbacks in consular staffing and embassy closure, or otherwise affected by decisions made concerning the level of support given both generally to citizens overseas and in individual cases.

**Descendent and spousal citizenship** – changes have been made to limit the right for overseas citizens to pass on citizenship to descendants or gain citizenship through marriage, and those citizens most affected by this decision have had no say.

**International treaties** - Some treaties, such as those affecting contributory pension-type payments, pension and banking arrangements, and drivers' license recognition, can ease transition into new communities or return home to Ireland. Similarly, the absence of these treaties can have costly or inconvenient effects.

For all of these issues, there is a real risk for overseas citizens that Irish policy makers will make decisions without considering either the interests of those abroad who will be affected or the potential deleterious effects on the lives of Irish citizens abroad.

### **Representation without taxation**

A peculiar feature of the current Irish debate over voting rights is the use of a convoluted version of the American revolutionary cry, “No taxation without representation”. The phrasing “no taxation without representation” arose before the American Revolutionary War as a rallying cry against the tyranny of the crown taxing colonists who were not represented in Parliament. It was a call for greater democracy, not less. Twisting the slogan around into a call for a limitation of democracy has nothing to do with genuine democratic principles. Instead, “no representation without taxation” is a slogan that appears to justify a position that no other country in the world adopts: that voting should be limited only to those paying taxes.

In fact, this notion of depriving emigrants of representation because they don't pay tax has stopped not a single one of the 130 countries and territories that offer their emigrants voting rights. There are only two countries that tax their emigrants on income earned abroad - the US and Eritrea. Besides the US, nearly every country in Europe, and the vast majority of developed nations, and many developing ones are allowing their expats to vote, with not a single one of them levying taxes on the foreign-earned income of those citizens.

It is ironic that this call to exclude emigrants from paying taxes arises in Ireland, a nation that has traditionally relied on emigration to provide financial assistance in

times of economic distress. Emigrants relieve financial pressures and jobless numbers by departing, send money directly home in the form of remittances, and are expected to act as Ireland's loyal economic foot soldiers abroad - using business networking to open up new markets for Irish businesses, encouraging FDI, acting as informal ambassadors for Irish tourism and culture.

Additionally, there are many emigrants who are subject to taxation - Ireland taxed all private pension accounts from 2011 to 2015, for example, including those of emigrants, some of whom, depending on where they were residing, were unable to bring their accounts to the countries in which they were residing.

Others are homeowners, with some having left the country in order to pay the mortgage, and are subject to tax on the homes they own. Many pay VAT when they are home for visits. Frequently, when these taxes are pointed out to an opponent of voting rights, they move the goalpost, saying that income tax should be the requirement. But of course, we don't take away the vote from people whose income comes solely from the state. That would be evidently undemocratic.

And what of the United States, where the original slogan issued forth? The US specifically bans the requirement of taxation in return for a vote. This principle is so important, in fact, that it is enshrined in the US Constitution. The 24th amendment says,

*The right of citizens of the United States to vote in any primary or other election for President or Vice President, for electors for President or Vice President, or for Senator or Representative in Congress, shall not be denied or abridged by the United States or any State by reason of failure to pay any poll tax or other tax.*

There is simply no democratic justification for the slogan "No representation without taxation." It is a wholly undemocratic notion that urges a return to pre-Enlightenment days, when only men of property could vote.

### **Fear of "Swamping"**

Ireland's high number of overseas citizens is often cited as a reason to keep them from voting. Some critics are afraid that voters at home would be swamped by high numbers of voters from outside of the country. These fears partly arise out of a misconception that votes are being sought for the entire diaspora, which popular estimate often puts at 70 million. But the number of citizens is actually far smaller, with an estimated 1.73 million passport-holders abroad. International experience suggests the number of citizens who choose to take up the right to vote would be smaller.

And while opponents of emigrant voting may claim that allowing emigrants to vote would distort the electorate, it is also the case that a nation that disenfranchises such a large number of its citizens could be arguably criticised for its democratic deficit. How can a state that excludes such a large section of its citizenry from any political representation be considered democratic by 21st-century standards?

Other nations with very high levels of overseas citizens let their emigrants vote: Of the top 5 nations in the OECD by emigrant percentage, Ireland is the only one that does not allow its emigrants to vote - New Zealand, Mexico, Portugal, Luxembourg all allow their emigrants to vote. India, the nation with the largest absolute numbers of emigrants and a global leader in diaspora engagement, began working on voting

rights for its overseas citizens in 2015.

### **Emigrant and immigrant voting**

Some critics of emigrant voting assert that emigrant voting should wait until immigrants get the right to vote. This argument is problematic for several reasons.

1. The first is the implicit assumption that voting rights are a zero-sum game. Continuing to withhold the right of emigrants to vote will in no way progress the right of immigrants to vote in Ireland, and granting rights to emigrant will have no effect on the rights of immigrants. In fact, if one is interested in increasing democracy for all stakeholders in the nation, it makes sense to support the rights of both immigrants and emigrants to vote. Arguing against the right to vote of emigrants so long as immigrants remain disenfranchised does nothing to advance the cause of immigrant voting rights, particularly in the absence of a grassroots movement to advocate for them.
2. The second is that, in contrast to Irish emigrants who have no say at all in the political process, the immigrants to Ireland actually have some say in the Irish political system, through the right to vote in local elections. Ireland is actually more progressive than most nations in allowing long-term immigrants this right to vote; few other nations do this<sup>2</sup>. As of 2003, there were only 7 other nations that gave all non-citizen residents voting rights in local elections. Only New Zealand and Uruguay gave voting rights on a non-discriminatory basis to all immigrant non-citizen residents in national elections. Academics Michael Collyer and Zana Vathi have noted that while immigrant voting is often studied (and more frequently written about than emigrant voting), it has been rarely applied, and far fewer nations allow it: “discussions of the political participation of non-citizen residents are widespread, even though there are only a handful of polities in the world that allow non-citizens to vote in national elections, and then only under extremely restricted circumstances.”<sup>xxiii</sup>

Researcher David C. Earnest compared voting rights for non-citizen residents in 25 democracies in 2008, grouping them into five categories as follows:

- 0: No rights (Australia by grandfathered franchise after 1984, Austria, Belgium, Costa Rica, Denmark before 1977, Finland before 1981, France, Germany except for 1989-90, Greece, Ireland before 1962, Italy, Japan, the Netherlands before 1979, Norway before 1978, Spain before 1985, Sweden before 1976, the United Kingdom before 1949, and the United States before 1968).
- 1: Rights granted only by subnational governments (Canada from 1975 to the present; West Germany in 1989, the Netherlands from 1979 to 1981, Switzerland from 1960 to the present, and the United States from 1968 to the present).
- 2: Local rights, discriminatory (Denmark from 1977 to 1980; Finland from 1981 to 1990; Israel from 1960 to the present; and Norway from 1978 to 1981).
- 3: National rights, discriminatory (Australia from 1960 to 1984, Canada from 1960 to 1974, Ireland from 1985 to the present, New Zealand from 1960 to 1974, Portugal, the United Kingdom).
- 4: Local rights, nondiscriminatory (Denmark after 1980, Finland after 1990, Hungary, Ireland 1963 to 1984, the Netherlands after 1981, Norway after 1981, Spain after 1985, Sweden after 1976).

- 5: National rights, nondiscriminatory (New Zealand after 1975; Uruguay for 15 years-resident, since 1952)<sup>xxiv</sup>
3. Most immigrants to Ireland have an advantage over emigrants from Ireland, in that, if they are from one of the 130 countries that allow emigrant voting, they will have actually retained their right to vote in their home countries. Granting them a right to vote in Irish national elections will give them the right to vote in both their home jurisdiction and in Ireland. This would be a positive step, as they will be affected by the laws of both jurisdictions, but it highlights the relative disadvantage this would put Ireland's non-resident citizens in over immigrants. In contrast, most Irish emigrants (unless they migrate to Britain, which grants Irish people the right to vote through a reciprocal agreement) will be completely disenfranchised, with votes in neither their home nor host countries until they have taken up citizenship in their host countries.

There appears to be no justification to delay overseas citizens voting rights until the day Ireland takes up non-citizen resident voting. This is by no means an argument against immigrant voting rights: on the contrary, extending the franchise to non-resident citizens makes sense for many of the same reasons that extending it to non-citizen residents does: citizens and residents are potentially affected by policies in both home and host countries. Global norms are trending toward greater representation of all stakeholders. It is, however, difficult to see how arguing for the restriction of the franchise for one group will advance the rights of another.

## About VotingRights.ie

VotingRights.ie is a global coalition of Irish emigrant groups and individuals seeking to secure the vote for the 1.73 million Irish citizens now living abroad. We advance the cause of emigrant voting rights by uniting the global leadership of the movement; informing decision-makers, media and citizens on issues related to emigrant voting; and providing a platform for interested citizens. We recognise that some Irish emigrant organizations are social and cultural in nature. We believe that this is not about politics but about citizenship: your rights under Article II of the Irish Constitution. VotingRights.ie was co-founded in 2015 by the following three individuals:

**Noreen Bowden** has been engaged in Irish diaspora issues for more than twenty years. Previously the Executive Director of the Emigrant Advice Network in Dublin, she also spent five years at Irish Emigrant Publications in Galway, the pioneering digital news service established by Liam Ferrie. She founded GlobalIrish.ie in 2009. Noreen has been a long-time advocate for emigrant voting rights and has also campaigned on the broadcasting needs of the Irish in Britain. Her board memberships include serving on the board of the Irish Immigration Center in Boston, as vice-president of Europeans Throughout the World in Brussels, and as secretary of Democrats Abroad in Dublin. Born in New York and having lived in Ireland for fifteen years, she has a BA from Notre Dame, an MA in Irish literature and culture from Boston College, and a Masters in Public Administration from Harvard.

**Billy Lawless** is a Galway-born restaurateur and a strong leader in Chicago's Irish community. Born in Galway city, where he began his career in the hospitality business, in 1998 he emigrated to Chicago and opened a number of businesses and formed the Chicago Irish Pub/Restaurant Association in 2001. Billy has been a member of the Executive Committee of the Board of the Illinois Restaurant Association since 2010. He founded the Chicago Celts for Immigration Reform, is Vice-President of the Illinois Coalition for Immigrant and Refugee Rights, a founding member of the Illinois Business Immigration Coalition, a member of the National Democratic Ethnic Coordinating Council and Co-Chair of the Immigration Committee. Billy has always been committed to developing strong links between Chicago and Galway and he has served as Co-Chairman of the Galway Chicago Sister Cities Committee since 1998. In 2015 he became a Freeman of the City of Galway, and was honored by NUI, Galway with an award of a Doctor of Laws degree.

**Kevin J. Sullivan** is a first generation Irish American with deep family roots in both Cork and Tyrone. He is an Irish citizen. As a Senior Adviser to U.S. Secretary of Education Richard Riley in the Clinton Administration Kevin staffed out two of President Clinton's trips to Northern Ireland and the Republic and was the key driver in creating Civic Link" which President Clinton announced in Armagh, Northern Ireland in 1998. The U.S. Government would commitment \$4 million to support Civic Link a cross community and cross border civic action initiative for secondary students in the Republic and Northern Ireland. Over the course of a decade, Civic Link would engage over 12,500 students under the auspices of Co-operation Ireland. Kevin is currently a member of the board of the Washington Ireland Program (WIP) and served as its Chairman for nine years. He is currently a member of the U.S. State Department advisory group on the Northern Ireland peace process. Kevin spent 14 years working for various members of Congress including the U.S. Senate Majority Leader and staffed out three national presidential campaigns. Kevin is a principal at Kevin Sullivan and Associates. Past clients have included Co-operation Ireland, the Irish Higher Education Authority and the Clinton Institute for American Studies at UCD. He is a graduate of Georgetown University School of Foreign Service in Washington, D.C.



### **The Voting Rights.ie Advisory Committee**

Martin Collins – former Secretariat, All-Party Parliamentary Group on Irish in Britain

Barry Corr – CEO of Irish Chamber of Commerce Australia

Lena Deevy – former Director of the Irish Immigration Center in Boston

David Dempsey – Founder and President (2012-2015) Irish Business Network German

Larry Donnelly – law professor, NUIG; writer and political contributor

Brian Dooley – Director Human Rights Defenders, Human Rights First, Author, Choosing the Green (Second Generation Irish and the Cause of Ireland)

Liam Ferrie – Founder of Irish Emigrant Publications

Adam Patrick Fulham – Irish Association of Latin America

Mary Hickman – Irish Studies professor in London; Chair, Votes for Irish Citizens Abroad (VICA)

Joey Kavanagh – Founder, Get the Boat 2 Vote

Eion O’Liathain- Founder of non-profit Shout Out in Dublin & Youth Delegate to the United Nations for Ireland

Conor O’Neill – Co-Founder of We’re Coming Back

Cóilín Parsons – Associate Professor, Georgetown University

Nick Rowan – President of the Irish Network DC

Susan Walsh – Dean, Global Business School, Munich, Germany

*(Affiliation does not imply organisational endorsement.)*

## Endnotes

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- <sup>ii</sup> Collyer, M. (2014). A geography of extra-territorial citizenship: explanations of external voting. *Migration Studies*, 2(1), p. 64.
- <sup>iii</sup> [http://www.housing.gov.ie/sites/default/files/publications/files/voting\\_at\\_presidential\\_elections\\_by\\_citizens\\_resident\\_outside\\_the\\_state\\_-\\_options\\_paper\\_-\\_22\\_march\\_2017.pdf](http://www.housing.gov.ie/sites/default/files/publications/files/voting_at_presidential_elections_by_citizens_resident_outside_the_state_-_options_paper_-_22_march_2017.pdf)
- <sup>iv</sup> <https://www.constitution.ie/AttachmentDownload.ashx?mid=be5fb014-a32a-e311-96d5-005056a32ee4>
- <sup>v</sup> <http://irelandhouse.fas.nyu.edu/object/IrelandsAllies>
- <sup>vi</sup> <http://mspcsearch.militaryarchives.ie/detail.aspx>
- <sup>vii</sup> <http://www.militaryarchives.ie/en/collections/online-collections/military-service-pensions-collection/easter-rising-1916/applicants-around-the-world>
- <sup>viii</sup> Charles Townshend. *The Republic: The Fight for Irish Independence 1918-1923*. Allen Lane, 2013, p.3
- <sup>ix</sup> [http://www.cso.ie/en/media/csoie/releasespublications/documents/population/2013/poplabfor2016\\_2046.pdf](http://www.cso.ie/en/media/csoie/releasespublications/documents/population/2013/poplabfor2016_2046.pdf)
- <sup>x</sup> <https://www.scoilnet.ie/proclamationtemplate/proclamation-search/>
- <sup>xi</sup> [http://www.citizensinformation.ie/en/government\\_in\\_ireland/elections\\_and\\_referenda/voting/registering\\_gto\\_vote.html#862a3](http://www.citizensinformation.ie/en/government_in_ireland/elections_and_referenda/voting/registering_gto_vote.html#862a3)
- <sup>xii</sup> <http://www.irishtimes.com/life-and-style/abroad/returning-to-ireland/it-ll-take-more-than-tax-breaks-and-hashtags-to-bring-emigrants-home-1.2463530?mode=sample&auth-failed=1&pw-origin=http%3A%2F%2Fwww.irishtimes.com%2Flife-and-style%2Fgeneration-emigration%2Fdestinations%2Freturning-to-ireland%2Fit-ll-take-more-than-tax-breaks-and-hashtags-to-bring-emigrants-home-1.2463530>
- <sup>xiii</sup> <http://www.irishtimes.com/opinion/we-grant-irish-passports-to-british-citizens-at-our-peril-1.2748338>
- <sup>xiv</sup> Ibid
- <sup>xv</sup> <http://www.finance.gov.ie/sites/default/files/OECD%20Economic%20Survey%20of%20Ireland%202015.pdf>
- <sup>xvi</sup> Irial Glynn, Tomás Kelly, and Piaras Mac Éinrí. *Irish Emigration in an Age of Austerity*. Cork: University College Cork, 2013.
- <sup>xvii</sup> <http://www.irishtimes.com/life-and-style/abroad/generation-emigration/majority-of-emigrants-surveyed-want-right-to-vote-in-ireland-1.2711127>
- <sup>xviii</sup> <http://www.irishtimes.com/opinion/opinion-emigrants-who-want-to-return-home-don-t-register-in-the-election-1.2541081>
- <sup>xix</sup> <http://www.davidmcwilliams.ie/page/11?s=2007>
- <sup>xx</sup> <https://www.dfa.ie/media/globalirish/global-irish-irelands-diaspora-policy.pdf>
- <sup>xxi</sup> [http://europa.eu/rapid/press-release\\_IP-14-77\\_en.htm](http://europa.eu/rapid/press-release_IP-14-77_en.htm)
- <sup>xxii</sup> <http://www.irishtimes.com/business/economy/the-real-life-numbers-behind-populist-tax-rates-1.2104873>
- <sup>xxiii</sup> Patterns of Extra-territorial Voting, Michael Collyer and Zana Vathi. Sussex Centre for Migration Research. October 2007, p. 5.

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<sup>xxiv</sup> Earnest, David C. *Old Nations, New Voters: Nationalism, Transnationalism, and Democracy in the Era of Global Migration*. Albany, NY: SUNY Press, 2008. P. 149.