



CVSP 4/2023

21st December 2023

Referendums 2024 – Advice to bodies & agencies in receipt of public funding

At its meeting on 5 December 2023 the Government agreed proposals for two amendments to Article 41 of the Constitution. The polling day for these referendums is to be 8 March 2024.

The purpose of this communication is to alert all bodies under the aegis of the Department in receipt of public funding regarding the legal advice from the Office of the Attorney General in respect of the application of the principles of the various Court judgements relevant to the Government's role in referendum campaigns, referred to as the '*McKenna/McCrystal principles*'.

An Coimisiún Toghcháin, the Electoral Commission, oversees elections and referendums and will carry out its responsibilities under Chapter 5, Part 2 of the Electoral Reform Act 2022. There will be no publicly funded Government information campaign for this referendum.

It should be noted that bodies under the aegis of this Department **are not entitled to spend public money for the purpose of promoting a campaign for a particular outcome.**

Where a body or agency receiving public money is disseminating any information about a Referendum it must ensure such information is **equal, fair, impartial and neutral**. However, since such information must meet a high test of neutrality, and as An Coimisiún Toghcháin has the statutory function of providing information on the referendum, it is preferable that bodies and agencies avoid publishing any information about the referendum unless it is unavoidable. If it is necessary, it should be approached as requiring a high test of equality, fairness, impartiality and neutrality. The Department cannot and will not act as an assessor or evaluator of any material about a Referendum.

It is also recommended that in the interests of impartiality, the display/distribution of any literature relating to the proposed amendments, including but not limited to brochures, badges, leaflets, newsletters, notices, posters, etc., in offices or premises of a body or agency receiving public funding be avoided. Websites and social media sites of publicly funded bodies and agencies **should not** be used to promote or advocate a particular outcome.

This circular applies to all bodies under the aegis of the Department in receipt of public funding irrespective of their legal status. For the avoidance of doubt, Public Participation



Networks (PPNs) should not campaign for a particular result in a referendum in their capacity as a PPN. Nor should staff members engage in any campaigning on behalf of a PPN or as staff members of a PPN. This advice relates only to PPNs and PPN staff, and does not extend to the member groups represented by a PPN.

Yours sincerely,

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