

Atheist Ireland



Submission to the Citizens' Assembly

The manner in which Referenda are held

22 December 2017

1. Introduction

Atheist Ireland is an Irish advocacy group. We promote atheism and reason over superstition and supernaturalism, and we promote an ethical, secular society where the State does not support or finance or give special treatment to any religion. Since being formed in late 2008, we have campaigned for a secular Irish Constitution, parliament, laws, government, and education and healthcare systems.

Atheist Ireland makes two recommendations on this issue.

Secular Environment for Polling: Referendums should take place in a secular environment that is neutral between religious and atheistic beliefs. There should be no symbols or practices in polling stations that endorse either religion or atheism.

Financial Limits and Accountability: Referendums should not be unduly influenced by big money, before or during the campaign. The SIPO laws should be strengthened, and accountability should be triggered by political spending not political donations.

We would welcome the opportunity to address the Assembly to elaborate.

2. Secular Environment for Polling

Referendums should take place in a secular environment that is neutral between religious and atheistic beliefs. There should be no symbols or practices in polling stations that endorse either religion or atheism, and all voters should be treated equally.

2.1 The polling station can influence how people vote

A Stanford University study in 2016 showed that environmental cues in a polling station can influence how people vote. The paper is titled: 'Can Where People Vote Influence How They Vote? The Influence of Polling Location Type on Voting Behaviour.' It is written by Jonah Berger, Marc Meredith and S. Christian Wheeler.

<https://www.gsb.stanford.edu/faculty-research/working-papers/can-where-people-vote-influence-how-they-vote-influence-polling>

From the Abstract: Can the type of polling place in which people vote (e.g. church, school, or firehouse) influence how they cast their ballot? Results of two studies suggest it can... The studies reveal that even in noisy, real-world environments, subtle environmental cues can influence decisions on issues of real consequence.

In one study, in Arizona, people who voted at schools were more likely to support raising taxes to fund education (55.00%) than people who voted at other polling locations (53.09%). This effect persisted even when controlling for political views, demographics, or using comparison precincts where schools were nearby but not used as the voting location.

A follow-up laboratory experiment was used to permit random assignment. Participants were shown either school, church, or control pictures. They then “voted” on a number of ballot initiatives. Results again illustrated that environmental cues at different polling places can influence voting outcomes, even when participants are randomly assigned to different environmental cue conditions.

The authors wrote: Just as polling location influenced proposition voting, similar effects may occur in presidential races; voting in churches could lead people to choose candidates aligned with their religious beliefs. The influence of polling location on voting found here would be more than enough to change the outcome of a close election. This paper suggests new potential election biases and finds that choices of voting places can have unintended effects on election races.

2.2 Religious oaths and Bibles at polling stations

One of the most obvious environmental cues that could influence the outcome of a close referendum is the presence of Christian Bibles in polling stations, and their use as part of a religiously discriminatory oath process.

Currently, if a voter’s identity is being challenged, they are given an option to swear a religious oath or a nonreligious affirmation. There is a Bible present to facilitate those who wish to take a Christian religious oath.

However, in Section 111.2(d) of the Electoral Act 1992, the only requirement in law is to say a set of words, and that there is no mention of incorporating any physical book into the saying of those words. In Section 111.3 of the Act, adding anything else other than the request to say these words is forbidden.

Recommendation: There should be one single test of identity for voters whose identity is being challenged.

- It should be capable of being applied equally to all voters, without discrimination on the ground of religion.
- It should not require the voter to reveal his or her religious or nonreligious philosophical beliefs, directly or indirectly. This is an established human right.
- It should not provide an environmental cue that can influence how people vote, particularly in a referendum where religions support one outcome.

2.3 Other religious symbols at polling stations

Another set of environmental cues that could influence the outcome of a close referendum is the presence of Christian symbols, which are usually Catholic symbols, in denominational schools that are used as polling stations.

The Vatican has made clear the purpose of displaying a crucifix on the walls of Catholic schools. It is to remind everybody of the “familiar and moving presence of Jesus, the Master who gave his most complete and sublime teaching from the cross.”

“From the first moment that a student sets foot in a Catholic school, he or she ought to have the impression of entering a new environment, one illumined by the light of faith, and having its own unique characteristics. The Council summed this up by speaking of an environment

permeated with the Gospel spirit of love and freedom.(15) In a Catholic school, everyone should be aware of the living presence of Jesus the "Master" who, today as always, is with us in our journey through life as the one genuine "Teacher", the perfect Man in whom all human values find their fullest perfection. The inspiration of Jesus must be translated from the ideal into the real. The Gospel spirit should be evident in a Christian way of thought and life which permeates all facets of the educational climate. Having crucifixes in the school will remind everyone, teachers and students alike, of this familiar and moving presence of Jesus, the "Master" who gave his most complete and sublime teaching from the cross.
http://www.vatican.va/roman_curia/congregations/ccatheduc/documents/rc_con_ccatheduc_doc_19880407_catholic-school_en.html

Recommendation:

- Where polling takes place in buildings that have religious symbols, those symbols should be taken down or covered up for the duration of the polling, particularly in a referendum where the relevant religion supports one outcome.

3. Financial Limits and Accountability

Referendums should not be unduly influenced by big money, before or during a referendum campaign. The SIPO law should be strengthened, not weakened. It should remain in force all of the time, and accountability should be triggered by political spending not political donations.

The SIPO law exists to ensure that good arguments can be heard because of their merits, and not get drowned out by those who happen to have the wealthiest supporters. We should strengthen this law, to ensure that our democracy is more a battle of ideas than a battle of bank accounts.

3.1 SIPO law should be strengthened for referendums

Political parties and 'third parties' (i.e. any body, other than a political party or election candidate, that accepts political donations) that campaign to influence a referendum result should have spending limits and disclosure obligations similar to those placed on political parties and candidates at elections.

3.2 SIPO law should remain in force all of the time

Some people have argued that the SIPO law should be weakened, so that it is only in force during election and referendum campaigns. We disagree. In a democracy, active citizenship is about much more than voting every few years. It is about the interaction between the people and our government, at all levels of decision making, and at all times of every year.

It is as important to regulate the undue influence of money on attempts to change the law, or attempts to influence politicians or civil servants in their decision making, between elections and referendums, as it is to regulate the undue influence of money during election and referendum campaigns.

Currently, a body that registers as a 'third party' is assumed to be registered permanently with SIPO. This should be changed to allow single-issue referendum campaign groups to register for the duration of their existence. This change should not allow ongoing bodies to register and deregister at will during and between referendums.

3.3 Accountability should be triggered by spending

The SIPO law has a flaw that enables bodies to spend any amount of money on political purposes, while simply claiming that it only seeks donations for non-political purposes. For the purposes of accountability, the distinction of how a body raises the money that it is spending on political purposes is arbitrary.

From the perspective of secularism, this is not just a theoretical concern. The Catholic Church and the Church of Ireland are both on the register of lobbyists. They regularly seek to influence political decisions, including the outcomes of referendums, and they are part of the dialogue process between the Government and religious and philosophical bodies.

Some secular groups also claim to not accept donations for political purposes, while they are clearly engaged in campaigning for political purposes. Atheist Ireland is just as opposed to secular groups doing this as we are to religious groups doing so.

This flaw could be resolved by setting a different trigger for when a body becomes accountable under the law. This now happens when a body gets €100 or more in a donation that is described as being for a political purpose. Instead it should happen when a body spends a certain amount on political purposes. The SIPO Commission itself has recommended this change, and has suggested €5,000 as the amount of spending that would trigger accountability under the Act.

3.4 Accountability for campaign advertising

Political parties and 'third parties' that advertise to influence a referendum result should have the same obligation to identify themselves in advertisements on the internet as they do in advertisements in print and broadcast media.

Campaign advertisements that are displayed in public places should not contain graphic images that are unsuitable for children.

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