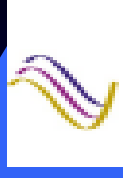


Standards in Public Offices Commission

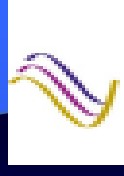
Regulating Political Donations and Election Spending

Aidan Moore
Standards Commission Secretariat
12 June 2008



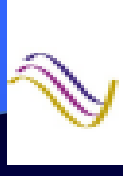
Electoral Act 1997 as amended (“the Act”)

- Main pieces of legislation
 - Electoral Act 1997 which commenced on 15 May 1997
 - Electoral (Amendment) Act 1998
 - Electoral (Amendment) Act 2001
- Minor amendments in 2002, 2004 and 2005



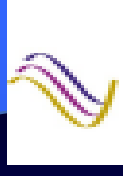
Main purposes of the Act

- To regulate the acceptance and disclosure of political donations
- To provide for the limitation, disclosure and reimbursement of election expenses.
- To provide for the public funding of qualified political parties.



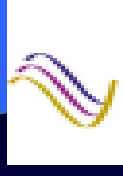
Requirements concerning donations

- Disclosure of donations above a certain threshold
- Opening and maintenance of a political donations account
- Prohibition on the acceptance of certain types of donations



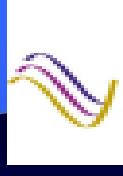
Definition of a Donation

- Any contribution given for political purposes by any person, whether or not the person is a member of a political party.
- Includes money; property or goods; the free or below cost use of property, goods or services; and the net value of a contribution to a fund-raising event



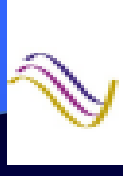
Disclosure of Donations

- Disclosure threshold for individual politicians is €634.87.
 - Members and MEPs furnish an annual Donation Statement in respect of the preceding year
 - Unsuccessful candidates at elections furnish a Donation Statement within 56 days of polling day disclosing all donations received in relation to the election.
- Parties furnish an annual Donation Statement disclosing donations in excess of €5,078.95.
- Donations from the same person must be aggregated.
- Donation Statements are laid before the Houses and are available for public inspection.



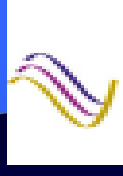
Political Donations Account

- A political party, branch of a political party or individual politician which receives a monetary donation in excess of €126.97 must open a political donations account.
- All subsequent monetary donations must be lodged from the account and all monies from the account must be used for political purposes.
- Certificate of Monetary Donations form and a bank statement must be furnished in respect of the account each year.
- These returns are not in the public domain.



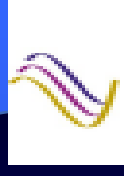
Prohibited Donations

- Anonymous donations exceeding a value of €126.97
- A donation in excess of the maximum prescribed limit.
 - €2,539.48 for individual politicians
 - €6,348.69 for political parties
- A donation from an individual (other than an Irish citizen) who resides outside the island of Ireland.
- A donation from a company which does not keep an office in the island of Ireland from which one or more of its principal activities are carried out.
- Such donations must be notified and remitted to the Commission or returned to the donor as the case may be.



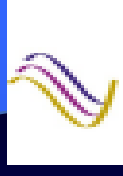
Spending at a Dáil election

- Spending is controlled through the appointment of candidates' election agents and the national agents of political parties
- Agents are legally responsible for remaining within the spending limits and furnishing returns to the Standards Commission.



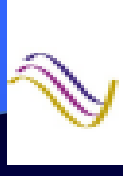
Definition of Election Expenses?

- Election expenses are expenses incurred on the provision of property, goods or services for use at an election during the election period in order to
 - Promote or oppose a candidate or a party
 - Present the policies or comments of a party or candidate
 - Solicit votes for or against a candidate
 - Otherwise influence the outcome of the election



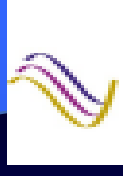
Statutory spending limits

- The current statutory spending limits for Dáil elections are:
 - €30,150 for a 3 seat constituency;
 - €37,650 for a 4 seat constituency;
 - €45,200 for a 5 seat constituency.
- The limit is for each individual candidate in a constituency.



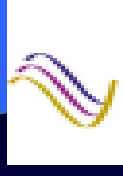
Party's spending limit

- A candidate may assign a portion of his / her spending limit to the party.
- Portion assigned is not available to the candidate.
- Party's spending limit is the total amount assigned by its candidates
- The Act does not specify when the assignment must be made



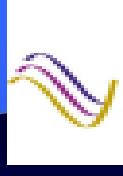
Spending by “other persons”

- “Other persons” may incur election expenses provided they notify the Standards Commission beforehand.
- “Other persons” can be deemed to be connected to a candidate / party and their expenditure deemed subject to the limits applying to the candidate / party.
- If deemed to be unconnected there is no limit on the amount of expenditure which an “other person” may incur at an election.



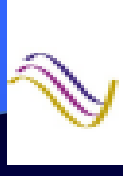
The “election period”

- Expenditure incurred and payments made on the provision of property, goods or services which are used during the election period must be accounted for.
- At a Dáil general election the election period is from the date of the dissolution of the Dáil up to polling day.
- Expenses incurred on goods, property or services used before or after the election period are not accounted for.



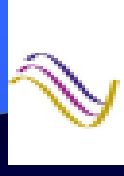
Election Expenses Statements

- Election agents and national agents must furnish an Election Expenses Statement to the Standards Commission within 56 days of polling day.
- All expenses incurred by / on behalf of the agent on goods, property or services used during the election period must be accounted for.
- Election Expenses Statements are laid before the Houses and are available for public inspection.



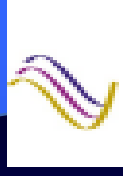
Overspending by an election agent /national agent

- An offence deemed to have been committed by the agent concerned.
- Election agent overspend deducted from any reimbursement due to candidate.
- National agent overspend deducted from any funding due to the party under the Act.
- A person can petition the Courts to have the result of the election set aside.



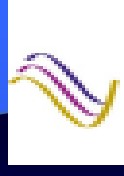
Powers available to the Standards Commission under the Act

- Advice / guidelines given by the Standards Commission must be complied with.
- Powers under section 4(4) to seek whatever information it requires.
- Offences for non-compliance.
- Publication of material and any instances of non-compliance.



General approach of the Standards Commission

- Purpose is to ensure compliance with the Act.
- Non-adversarial, practical but authoritative.
- No formal investigation procedure means it can carry out an enquiry as it sees fit.
- Good co-operation on the most part from parties / individual politicians.
- Exercises discretion and restraint where appropriate in relation to referral of offences.
- Once a matter is referred it is a matter for the DPP / Gardai to prosecute.



Offences

- Failure to take the appropriate action in relation to a prohibited donation (candidate or a political party)
- Unauthorised incurring of election expenses (any person)
- Overspending (election agent or national agent)
- Failure to furnish statutory returns (any person required to make such returns)
- Knowingly furnishing incorrect statutory documents (any person required to make such returns)

