

European Election 24 May 2019

**Report by the Standards in Public Office Commission
to the Ceann Comhairle
pursuant to the Electoral Act 1997, as amended**



**Coimisiún um Chaighdeán in Oifigí Poiblí
Standards in Public Office Commission**

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Foreword

On behalf of the Standards in Public Office Commission, I am pleased to furnish this report on donations and expenses at the 2019 European election to the Chairman of Dáil Éireann (Ceann Comhairle), in accordance with section 4(1) of the *Electoral Act 1997*, as amended (the Act).

The donation statements and statutory declarations referred to in the report were furnished to the Standards Commission pursuant to section 24 of the Act while the certificates of monetary donations/statutory declarations and statements from financial institutions were furnished pursuant to section 23B of the Act. The election expenses statements were furnished pursuant to section 36 of the Act.

Detailed information about the requirements of the legislation relating to:

- disclosure of political donations,
- limits on the values of donations which may be accepted,
- prohibited donations,
- limits on election spending, and
- reimbursement of election expenses to qualified candidates

is contained in the Standards Commission's *Guidelines for the European Election 2019*, which are available on www.sipo.ie.

Sherry Perreault

Head of Ethics and Lobbying Regulation

Secretary to the Commission

September 2020

Chapter 1: Introduction

The *Electoral Act 1997*, as amended (the Act) provides for the disclosure of donations to candidates and parties at a European election, as well as the disclosure of election expenses of candidates, agents of candidates and national agents of political parties.

Polling day for the most recent European election took place on 24 May 2019. Fifty-nine candidates contested the election.

Successful candidates at the election, as Members of the European Parliament (MEPs), are required to furnish an annual donation statement and accompanying documentation to the Standards Commission by 31 January of the year following the election, and each year thereafter while an MEP. The donation statements to be furnished in respect of 2019 must include details of any donations received during 2019, including those received in relation to the European election.

In accordance with the provisions of Part IV of the Act, unsuccessful candidates at the European election were required, within 56 days after polling day (i.e. by 19 July 2019), to furnish to the Standards Commission a donation statement, a certificate of monetary donations, statutory declaration and/or a bank statement. Details of all donations with a value greater than €600 received by unsuccessful candidates in relation to the election were required to be disclosed.

Part V of the Act provides that the election agent of each candidate at a European election, whether successful or unsuccessful, is required to furnish an election expenses statement to the Standards Commission within 56 days after polling day (i.e. by 19 July 2019). The election expenses statement must include details of all expenses incurred and payments made by the election agent on behalf of the candidate at the election. An election expenses statement is also required from the national agent of each political party with candidates contesting the election and from "other persons" who incurred election expenses.

In considering the statements referred to above, the Commission had regard to the guidelines it issued in advance of the European election and it examined all the statements to ensure compliance with the guidelines and the legislation. Based on the information received, the Commission has no evidence that:

- any candidate exceeded the expenditure limit,
- any candidate received a reimbursement for election expenses in respect of expenditure that was not an election expense, and
- any prohibited donations were received by candidates.

Chapter 2: General information relating to the European election

Following consultation on draft guidelines, the Commission published guidelines on 28 March 2019, once the polling order issued. The purpose of the Guidelines was to inform prospective candidates of the obligations they would take on if they chose to run, and to assist candidates to comply with their obligations under the Act. The guidelines covered the main requirements of the Act relating to the acceptance and disclosure of political donations, prohibited donations, political donation accounts, election spending and reimbursement of election expenses to qualified candidates.

Candidates and election agents were invited to meet with members of the Standards Commission Secretariat if they wished to discuss their obligations under the Act.

The following is a summary of information about permitted donations, as set out in the legislation.

Political donations account	On receipt of a donation of €100 a political donations account must be opened (if one has not already been opened) by a candidate.
Cash donations	€200 is the maximum cash donation that may be accepted by a candidate in any calendar year from a donor.
Corporate donors	€200 is the maximum donation that may be accepted by a candidate in any calendar year from a corporate donor unless the corporate donor is registered in the Register of Corporate Donors maintained by the Commission
Individual donors	<ul style="list-style-type: none"> • All donations received by a candidate exceeding €600 must be disclosed on the Donation Statement. • €1,000 is the maximum donation that may be accepted by a candidate in a particular year from an individual or registered corporate donor
Multiple donations	Where a donor makes a donation to two or more recipients (multiple members of the same party or to one or more party members and the party itself), the aggregate value of which exceeds €1,500 , he/she is required to submit a donation form to the Commission under section 24(1)(a)
Prohibited donations	<ul style="list-style-type: none"> • An anonymous donation exceeding €100 cannot be accepted • Foreign donations, of any value, cannot be accepted from outside the island of Ireland, other than from an Irish citizen or from a business outside the island of Ireland unless it maintains an office on the island of Ireland from which at least one of its principal activities is directed.

Relevant dates & limits

25 March 2019 to 24 May 2019	Election period
€230,000	Spending limit for election
8 July 2019 (45 days after polling day 2019)	Claims for payment of election expenses from suppliers must be received by the election agent by this date. Invoices received after this date cannot be paid.
19 July 2019 (56 days after polling day 2019)	Date by which unsuccessful candidates must furnish donation statement/certificate of monetary donations/bank statements to the Standards Commission
19 July 2019 (56 days after polling day 2019)	Date by which election agents must furnish election expenses statements and invoices to the Standards Commission
€38,092	Maximum amount of reimbursement of election expenses that a qualifying candidate may claim
31 January 2020	Date by which successful candidates were required to furnish to the Standards Commission their annual returns, including donation statements, certificate of monetary donations and bank statements.

Chapter 3: Disclosure of donations by unsuccessful candidates

3.1 Donation statements and certificates of monetary donations received from unsuccessful candidates

Unsuccessful candidates must furnish a donation statement to the Standards Commission within 56 days after polling day. The donation statement must give details of all donations received in relation to the election with a value greater than €600.

A certificate of monetary donations must also be supplied to the Standards Commission within 56 days after polling day, certifying that all monetary donations received were lodged to the candidate's political donations account and that all amounts debited from the account were used for political purposes. The certificate of monetary donations and donation statement must be signed by the candidate and accompanied by a statutory declaration and/or statement from a financial institution.

3.2 Donations disclosed

In accordance with section 4(1) of the Act, the Standards Commission considered the donation statements furnished by each of the unsuccessful candidates at the European election (see Appendix 1- Tables).

Donations declared by the unsuccessful candidates at the European election amounted to **€34,750**. The table below summarises the donations declared by the candidates, categorised by political party.

Table 1: Summary donations disclosed by unsuccessful candidates by political party

Political Party	Total value of all donations €
Direct Democracy Ireland	—
Fianna Fáil	5,750
Fine Gael	—
The Green Party	1,000
Identity Ireland	—
Independents 4 Change	—
The Labour Party	4,950
Non Party	9,850
Renua Ireland	—
Sinn Féin	—
Social Democrats	1,000
Solidarity - People Before Profit	12,200
The Workers Party	—
Total	34,750

Sections 23A(1)(i) and (ii) of the Act provide that, where a donation exceeding the permissible limit is received, then the donation must, within fourteen days of receipt, be returned to the donor or, if it is a monetary donation, the part of it exceeding the limit must be returned to the donor. A written record of the return must be kept for the purpose of it being furnished to the Standards Commission, if required; or the recipient of the donation must, within fourteen days of receipt, notify the Standards Commission of receipt of the donation and remit the donation or the value thereof to the Standards Commission. In the case of a monetary donation, the part of it exceeding the limit must be remitted.

Chapter 4: Election spending by candidates and political parties

4.1 Definition of election expenses

Section 31(1) of the Act provides that election expenses are those and only those set out in paragraph 1 of the Schedule to the Act, which are incurred on the provision of property, goods or services for use at the election during the election period (25 March 2019 – 24 May 2019) in order to:

- promote or oppose the interests of a political party or the election of a candidate, or a political group formed in accordance with the rules of procedure of the European Parliament; or
- present the policies of a political party or the comments of a political party on the policies of another political party or a candidate at the election; or
- promote or oppose, directly or indirectly, the election of a candidate at the election or to solicit votes for or against a candidate at an election; or
- present the policies of a candidate or the views of a candidate on any matter connected with the election or the comments of a candidate on the policies of a political party or another candidate at the election, or
- otherwise influence the outcome of the election.

The provision during the election period of property, goods or services, free or below cost, used at the election, is regarded as an election expense and must be accounted for at its full commercial price, less any normal or general discount which may be available.

4.2 Election expenses originally met from public funds

Arising from the judgment in *Kelly v Minister for the Environment & Ors* [2002] 4 I.R. 191, where property, services or facilities were used for electoral purposes during the election period and the costs were originally met out of public funds, such costs must be accounted for as election expenses at their full commercial value.

Five candidates provided information on their election expense statements to indicate a portion of their expenses were originally met from public funds. No political party incurred such expenditure. The overall total of costs met from public funds was €16,770.

4.3 Spending limits

The statutory spending limit for the 2019 European election was the same as that in the 2014 European election: €230,000.

The statutory spending limit for each candidate is inclusive of VAT. The statutory limit represents the maximum spending allowed on a candidate and includes all spending by the election agent and a political party (both head office and local organisation) on a candidate. No separate or additional spending by a political party on a candidate over and above that which has been assigned to the party by the candidate is allowed.

4.4 Election period

The spending limit at a European election applies to all expenses incurred and payments made in providing property, goods or services which are used for electoral purposes during the "election period". Section 31(3)(a)(iii) of the Act provides that the election period at a European election is from the date of the order appointing polling day ending on polling day at the election, both dates included. The date of the order appointing polling day was on 25 March 2019 and polling day took place on 24 May 2019.

4.5 Election expenses statements

Election expenses statements and statutory declaration forms were required from the election agents of each candidate who contested the general election within 56 days after polling day (i.e. by 19 July 2019).

An election expenses statement and statutory declaration was also required from national agents of all the political parties that had candidates contesting the election. These forms were also required by 19 July 2019.

4.6 Persons referred to Director for Public Prosecutions

Failure to furnish to the Standards Commission a Donation Statement, Certificate of Monetary Donations or a statement from a financial institution, within the statutory deadline (i.e. by 19 July 2019, for unsuccessful candidates) is an offence.

Failure to furnish an Election Expenses Statement and Statutory Declaration to the Standards Commission by the statutory deadline (i.e. by 19 July 2019) is also an offence.

Where the Commission is of the view that a contravention of the Act has occurred, it may refer such contravention to the Director for Public Prosecutions (DPP). At the time of drafting the

report, the Standards Commission has referred two candidates/election agents to the DPP for failure to submit the relevant statutory documentation by the statutory deadline. A number of queries to other candidates remained outstanding at the time of drafting the report. Other referrals to the DPP may be made in due course where necessary.

4.7 Reported expenditure at the election

Details of expenditure declared at the 2019 European election may be viewed in the tables that follow.

Table 2: Overview of reported expenditure at 2019 European election

Election Agent/Candidate expenditure	National Agent/Party expenditure on candidates	National Agent/Party expenditure nationally ("National Spend")	Total Expenditure
€	€	€	€
1,156,691	1,624,534	230,589	3,011,814

Table 3: Overall reported expenditure at 2019 European election by political party (including national party expenditure and candidate expenditure)

Political Party	Election Agent/Candidate expenditure	National Agent/Party expenditure on candidates	National Agent/Party expenditure nationally ("National Spend")	Total Expenditure
	€	€	€	€
Direct Democracy Ireland	326	—	—	326
Fianna Fáil	134,573	609,458	50,737	794,768
Fine Gael	350,809	599,668	91,369	1,041,846
The Green Party	97,895	23,001	33,936	154,832
Identity Ireland	—	—	—	—
Independents 4 Change	76,782	—	—	76,782
The Labour Party	90,440	158,484	26,410	275,334
Non Party	251,408	—	—	251,408
Renua Ireland	15,900	—	—	15,900
Sinn Féin	46,606	233,924	28,138	308,667
Social Democrats	36,674	—	—	36,674
Solidarity - People Before Profit	41,978	—	—	41,978
The Workers Party	13,302	—	—	13,302
Total	1,156,691	1,624,534	230,589	3,011,814

Table 4: Breakdown of reported national expenditure by political party

Political Party	Advertising	Publicity	Posters	Other Material	Office & Stationery	Transport & Travel	Market Research	Campaign Workers	Total €
Direct Democracy Ireland	—	—	—	—	—	—	—	—	—
Fianna Fáil	11,269	19,468	—	20,000	—	—	—	—	50,737
Fine Gael	12,600	78,769	—	—	—	—	—	—	91,369
The Green Party	33,277	621	—	38	—	—	—	—	33,936
Identity Ireland	—	—	—	—	—	—	—	—	—
Independents 4 Change	—	—	—	—	—	—	—	—	—
The Labour Party	2,612	10,593	—	5,657	—	—	2,214	5,334	26,410
Renua Ireland	—	—	—	—	—	—	—	—	—
Sinn Féin	2,104	9,772	369	1,795	3,150	10,947	—	—	28,138
Social Democrats	—	—	—	—	—	—	—	—	—
Solidarity - People Before Profit	—	—	—	—	—	—	—	—	—
The Workers Party	—	—	—	—	—	—	—	—	—
Total	61,862	119,223	369	27,491	3,150	10,947	2,214	5,334	230,589

Table 5: Breakdown of expenditure by political parties on candidates

Political Party	Advertising	Publicity	Posters	Other Material	Office & Stationery	Transport & Travel	Market Research	Campaign Workers	Total €
Direct Democracy Ireland	—	—	—	—	—	—	—	—	—
Fianna Fáil	130,165	13,692	305,366	99,034	7,500	24,481	—	29,220	609,458
Fine Gael	207,237	48,652	149,299	97,661	2,933	54,126	750	39,010	599,668
The Green Party	21,687	1,000	—	314	—	—	—	—	23,001
Identity Ireland	—	—	—	—	—	—	—	—	—
Independents 4 Change	—	—	—	—	—	—	—	—	—
The Labour Party	36,364	5,000	55,850	51,727	—	9,543	—	—	158,484
Renua Ireland	—	—	—	—	—	—	—	—	—
Sinn Féin	4,270	3,600	134,011	76,190	11,107	4,746	—	—	233,924
Social Democrats	—	—	—	—	—	—	—	—	—
Solidarity - People Before Profit	—	—	—	—	—	—	—	—	—
The Workers Party	—	—	—	—	—	—	—	—	—
Total	399,723	71,944	644,525	324,925	21,540	92,897	750	68,230	1,624,534

Table 6: Breakdown of reported expenditure by candidates

Political Party	Advertising	Publicity	Posters	Other Material	Office & Stationery	Transport & Travel	Market Research	Campaign Workers	Total €
Direct Democracy Ireland	—	—	—	—	—	326	—	—	326
Fianna Fáil	92,465	1,483	—	13,915	3,500	22,573	—	637	134,573
Fine Gael	131,065	49,420	40,847	41,727	21,377	46,774	—	19,600	350,809
The Green Party	17,206	520	18,274	37,379	89	884	—	23,543	97,895
Identity Ireland	—	—	—	—	—	—	—	—	—
Independents 4 Change	36,683	12,239	17,097	6,651	3,619	494	—	—	76,782
The Labour Party	26,745	20,904	7,991	18,012	258	880	—	15,650	90,440
Non Party	96,517	20,743	31,161	70,622	1,990	12,234	2,990	15,150	251,408
Renua Ireland	1,923	3,500	861	9,615	—	—	—	—	15,900
Sinn Féin	11,380	1,350	9,057	23,791	60	968	—	—	46,606
Social Democrats	9,584	1,500	16,544	8,116	375	555	—	—	36,674
Solidarity - People Before Profit	1,450	650	19,917	19,452	280	15	—	214	41,978
The Workers Party	1,844	3,656	—	7,802	—	—	—	—	13,302
Total	426,862	115,965	161,748	257,082	31,547	85,703	—	74,794	1,156,691

Chapter 5: Reimbursement of candidates' election expenses

In order to qualify for a reimbursement, a candidate must either:

- have been elected at the election, or
- if not elected, have exceeded one quarter of the quota at any stage of the counting of votes.

The maximum amount that may be reimbursed to qualified candidates at a European election is €38,092. Candidates who qualified for a reimbursement were eligible, therefore, to receive the lesser of that amount or the actual amount of election expenses incurred on their behalf at the election.

The Standards Commission is required under section 21(d) of the Act to certify to the Minister for Finance that a candidate is eligible for a reimbursement of his/her election expenses. It is the practice of the Standards Commission not to issue an application form for reimbursement of election expenses to a qualified candidate until such time as all matters relating to the completion of his/her statutory returns have been finalised.

In the 2019 European election, a total of 23 candidates qualified for reimbursement of election expenses. A total of €851,422 was paid by the Exchequer to 23 candidates who qualified for a reimbursement of election expenses. Twenty candidates qualified for the maximum reimbursement of €38,092.

Details of reimbursements certified are shown at table 8 below.

Table 7: Reimbursements approved

Name of candidate	Election Expenses Incurred €	Amount of reimbursement €
Andrews, Barry	158,742	38,092
Boylan, Lynn	61,691	38,092
Byrne, Malcolm	150,458	38,092
Carthy, Matt	129,675	38,092
Casey, Peter	50,301	38,092
Clune, Deirdre	187,552	38,092
Cuffe, Ciarán	58,751	38,092
Daly, Clare	38,205	38,092
Doyle, Andrew	131,273	38,092
Fitzgerald, Frances	132,717	38,092
Flanagan, Luke "Ming"	37,004	37,004
Gannon, Gary	36,674	36,674
Kelleher, Billy	132,858	38,092
Kelly, Seán	98,978	38,092
McGuinness, Mairead	60,653	38,092
McHugh, Saoirse	15,902	15,902
Ní Riada, Liadh	89,163	38,092
O'Sullivan, Grace	46,244	38,092
Rabbitte, Anne	106,649	38,092
Smith, Brendan	195,324	38,092
Wallace, Mick	38,576	38,092
Walsh, Maria	200,049	38,092
White, Alex	91,431	38,092
Total	2,248,869	851,422

Chapter 6: "Other person"/"third party" activity at the election

The Standards Commission produced explanatory notes which set out the requirements attaching to "other persons" and "third parties" at the European election which were published on the website of the Standards Commission.

As required under section 31(7) of the Act, the following people notified the Standards Commission in advance of their intention to incur election expenses:

- Mr. Enoch Burke
- Mr. Josiah Burke
- Pro Life Campaign

Every person who incurred election expenses pursuant to section 31(7) of the Act was required to furnish an election expenses statement to the Standards Commission by 19 July 2019. Expenses totalling €18,389 were disclosed by "other persons" who furnished an election expenses statement. Details of the expenses incurred are shown in table 9.

Table 8: Reported expenditure by "other persons"

Name	Expenditure amount €
Burke, Enoch	196
Burke, Josiah	673
Pro Life Campaign	17,520
Total	18,389

Chapter 7: Publishing of donation statements and election expenses statements furnished to the Standards Commission

In accordance with section 24(7)(a) of the Act, an electronic copy of each donation statement received by the Standards Commission from unsuccessful candidates at the European election has been laid before each House of the Oireachtas.

In accordance with section 37(1) of the Act, a copy of each election expenses statement which was furnished to the Standards Commission in relation to the European election and which the Standards Commission is satisfied has been correctly completed has been laid before each House of the Oireachtas.

In accordance with section 73 of the Act, the donation statements and election expenses statements received by the Standards Commission, together with relevant invoices, receipts or vouchers, are required to be made available for public inspection and copying at the offices of the Standards Commission. Given the current COVID-19 pandemic, the Commission's offices are currently closed to visitors. Should a member of the public wish to inspect the documents, they should contact the Commission by telephone or email and arrangements will be made to provide copies of the necessary documents.

Appendix 1: Donations disclosed by unsuccessful candidates

Candidate	Party	Number of donations	Value of donation €
Brennan, Cyril	Solidarity - People Before Profit	2	2,000
Brien, Gillian	Solidarity - People Before Profit	1	1,000
Byrne, Malcolm	Fianna Fáil	6	5,750
Cahill, Dolores	Non Party	1	861
Gannon, Gary	Social Democrats	1	1,000
Hannigan, Dominic	Labour Party	1	950
Harrold, Rita	Solidarity - People Before Profit	8	8,000
Healy Eames, Fidelma	Non Party	2	2,000
Higgins, Alice Mary	Non Party	6	4,939
McHugh, Saoirse	Green Party	1	1,000
Minehan, Liam	Non Party	1	1,000
Mulcahy, Diarmuid	Non Party	1	1,000
Purcell, Walter Ryan	Non Party	1	50
Wallace, Adrienne	Solidarity - People Before Profit	2	1,200
White, Alex	Labour Party	4	4,000
Total			34,750