

## **Proper use of public resources in elections**

The Standards Commission has received a number of queries concerning the use of Oireachtas envelopes by Members of the Oireachtas, in the lead up to the dissolution of the Dáil and after its dissolution, in seeking support for themselves and others as election candidates.

The Standards Commission has advised that, in advance of the dissolution of the Dáil, TDs and Senators should not use Oireachtas envelopes (or other facilities - see below) for electoral purposes in connection with the forthcoming general elections for Dáil Éireann and Seanad Éireann, in respect of their own candidature, as these facilities have been provided to them arising out of their duties as public representatives. Neither should they provide these facilities to other candidates for electoral or any other purpose.

The use of facilities provided out of public funds, during the election period, i.e. after the dissolution of the Dáil, including envelopes, is governed by Section 4 (4A) of the *Houses of the Oireachtas Commission Acts 2003 to 2012*. This provides that the Houses of the Oireachtas Commission –

"may prepare and publish guidelines for members of Dáil Éireann and Seanad Éireann in relation to the use of services and facilities provided out of public funds following a dissolution of Dáil Éireann, and

(a) may provide such services and facilities, and

(b) shall specify an appropriate charge for such use made other than in respect of duties as public representatives."

The facilities referred to include pre-paid envelopes, stationery consumables, use of office and ICT equipment, use of telephone, fax and copying facilities and staff costs. The Houses of the Oireachtas Commission published guidelines in this regard on 14 January 2020.

Accordingly, TDs and Senators are entitled to use such facilities other than in respect of their duties as public representatives during an election period; however they are required to repay the cost to the Houses of the Oireachtas Commission.

The Standards Commission wishes to state that where a candidate at the Dáil general election uses Oireachtas envelopes or other facilities provided out of public funds during the election period for electoral purposes, it is regarded as an election expense and must be accounted for.

The Standards Commission can also confirm that TDs are entitled, after the dissolution of Dáil Éireann, to use Oireachtas envelopes for continuing reasonable constituency business, i.e. for non-electoral purposes. Senators are also entitled to use Oireachtas envelopes in respect of their ongoing duties as public

representatives - this derives from the fact that Seanad Éireann is not dissolved following dissolution of the Dáil.

The Standards Commission reiterates that "office holders" (see below) are required to be guided by the provisions of the Code of Conduct for Office Holders which states that "official facilities should be used only for official purposes". The codes of conduct for members of Dáil Éireann and of Seanad Éireann also state that "in performing their official duties, Members must apply public resources prudently and only for the purposes for which they are intended."

The Standards Commission's [Guidelines for candidates and election agents at the General Election](#) set out the position in full (see below).

Further enquiries to Standards Commission at 01-6395666.

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The *Code of Conduct for Office Holders* was drawn up by the Government pursuant to section 10(2) of the *Standards in Public Office Act 2001* and published by the Standards Commission in 2003. The term "office holder" within the meaning of the Ethics in Public Office Acts 1995 and 2001 refers to the Taoiseach, the Tánaiste, Ministers, Ministers of State and the Chairpersons and Deputy Chairpersons of Dáil Éireann and of Seanad Éireann.

Section 2.2.3 of the Code refers to the fact that office holders "are provided with facilities at public expense in order that public business may be conducted effectively". The section goes on to say that "use of these facilities should be in accordance with this principle". Section 2.2.3 further states that "official facilities should be used only for official purposes" and that "office holders should ensure that their use of officially provided facilities are designed to give the public value for money and to avoid any abuse of the privileges which, undoubtedly, are attached to office".

The *Code of Conduct for Members of Dáil Éireann other than Office Holders* was drawn up by the Committee on Members' Interests of Dáil Éireann under section 10(1) of the *Standards in Public Office Act 2001* and adopted by Dáil Éireann in 2002. The *Code of Conduct for Members of Seanad Éireann other than Office Holders* was drawn up by the Committee on Members' Interests of Seanad Éireann under section 10(1) of the *Standards in Public Office Act 2001* and adopted by Seanad Éireann in 2002.

The codes were published by the Standards Commission in accordance with its responsibilities under the Standards in Public Office Act 2001. The codes are available on the Standards Commission's website at <https://www.sipo.ie/acts-and-codes/codes-of-conduct/office-holders/index.xml> Supervision of the Ethics Acts 1995 and 2001 in relation to members who are not office holders is a matter for the Committee on Members' Interests of each House.

The Standards Commission has a supervisory role in relation to the disclosure of donations and election expenditure at the forthcoming Dáil general election and the disclosure of donations at the forthcoming Seanad general election. It does not have a supervisory role in relation to the disclosure of election expenses at the Seanad general election as there is no requirement for disclosure of expenses by candidates at that election.

The Commission's guidelines for the General Election to the 33rd Dáil [Candidates and Election agents] provide as follows:

***Election expenses which are met out of public funds***

*2.7.6 Where publicly funded property, services or facilities are used for electoral purposes, the cost of such use must be reimbursed to the relevant provider. Such costs must then be accounted for as an election expense. The use of any such material must be authorised by the candidate's election agent. It will be a matter for the relevant agent and the candidate, in consultation with the provider of the property, services or facilities, to determine the value of the usage for electoral purposes during the election period and to account for same in the election expenses statement. [Examples of this type of expenditure include the use of publicly funded facilities such as prepaid envelopes, telephones, staff time etc.]*

*2.7.7 Candidates at the election who are holders of elected/public office may be required to communicate with the electorate during the election period. Where costs are met from public funds, it is necessary to differentiate between the use of public resources in carrying out their representative business and the use of public resources for electoral purposes. Any use of their publicly funded facilities for their own electoral purposes must be accounted for as an election expense.*

*2.7.8 If, during the election period, publicly funded materials are used by the candidate for the purpose of any form of unsolicited communication to any of the electorate, the materials will be regarded as having been used for electoral purposes and the costs will have to be accounted for as an election expense at their full commercial value.*

*2.7.9 Where a new enquiry is raised with a candidate in his/her capacity as a candidate (including an enquiry which had not been raised with the candidate prior to the election) while he/she is canvassing and publicly funded facilities are used for the purposes of responding to the enquiry, these facilities will be regarded as having been used for electoral purposes. This includes time spent by staff in responding to the enquiry (except where such staff are working voluntarily on the candidate's campaign).*

*2.7.10 Members of the Oireachtas are reminded that publicly funded facilities are provided to them solely for their own use as public representatives. These facilities should not be provided to other candidates for electoral purposes. To do so may have serious consequences under the Ethics in Public Office Acts 1995 and 2001, in addition to amounting to an election expense which must be accounted for.*

