

**Dáil Bye-Election 8 July 2021
Dublin Bay South**

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



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

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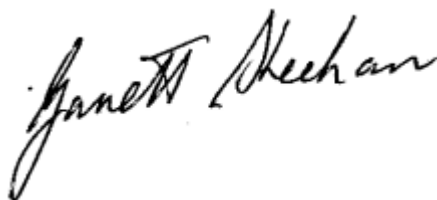
Foreword

I am pleased to furnish this report to the Chairman of Dáil Éireann (Ceann Comhairle) in accordance with the provisions of section 4(1) of the Electoral Act 1997, as amended (the Act). The donation statements/statutory declarations referred to in the report were furnished to the Standards in Public Office Commission (the 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 Guidelines for the Dáil Bye-Election 2021 which are available on www.sipo.ie.



Garret Sheehan
Chairperson
Standards in Public Office Commission

Chapter 1: Introduction

Section 4(1) of the Act provides that the Commission may, where it considers it appropriate to do so, furnish a report to the Ceann Comhairle on any matter arising in relation to donation statements and election expenses statements furnished to it under the Act. In accordance with section 4(5) of the Act, the report must be laid before the Houses of the Oireachtas.

Polling day for the 2021 Dublin Bay South bye-election took place on 8 July 2021.

In accordance with the provisions of Part IV of the Act, unsuccessful candidates at the bye-election were required, within 56 days after polling day (i.e., by 2 September 2021), to furnish to the Commission a donation statement, certificate of monetary donations, statutory declaration and, where applicable, a statement from a political donations bank account. Details of all donations with a value greater than €600 received by unsuccessful candidates in relation to the election were required to be disclosed.

The elected candidate is required, as a member of Dáil Éireann, to furnish an annual donation statement and accompanying documentation to the Commission by 31 January each year. The donation statement to be provided to the Commission in respect of 2021 by members of Dáil Éireann must include details of any donations received by them during 2021 in relation to the election. These statements were required to be provided to the Commission by 31 January 2022. A separate report on donations received by TDs, Senators and MEPs will be published by the Commission in due course.

Part V of the Act provides that the election agent of each candidate at a Dáil bye-election, whether elected or not, is required to furnish an election expenses statement to the Commission within 56 days after polling day (i.e., by 2 September 2021). 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.

Chapter 2: The Dáil Bye-Election 2021

The bye-election to fill a seat in Dublin Bay South took place on 8 July 2021.

Shortly after polling day was announced, the Commission published bye-election guidelines for candidates, election agents and national agents. 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 for candidates and agents covered the acceptance and disclosure of political donations, prohibited donations, political donation accounts, election spending and reimbursement of election expenses to qualified candidates. Separate guidelines covered rules applying to the national agents of political parties, third parties and other persons seeking to campaign, as well as publishers of advertising material.

Rules regarding donations

Political donations account	On receipt of a donation of €100 a political donations account must be opened (if not already in place) by a candidate.
Cash donations	€200 is the maximum cash donation that may be accepted by a candidate from a donor in any calendar year.
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 and the donation is accompanied by a statement of approval made by the corporate donor. A political party that wishes to make a donation for political purposes in excess of €200 in a calendar year must register as a corporate donor with the Commission before making such a donation
Individual donors	<ul style="list-style-type: none">• €1,000 is the maximum donation that may be accepted by a candidate in a particular year from an individual or registered corporate donor.• All donations received by a candidate exceeding €600 must be disclosed on the Donation Statement.

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"> • Anonymous donations exceeding €100 are prohibited. • 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 and expenditure limits

16 June to 8 July 2021 (inclusive)	Election Period
€37,650	Spending Limit for a 4 seat Constituency
22 August 2021	Claims for payment of election expenses, from suppliers, must be received by the election agent by this date
2 September 2021	Date by which all Election Statements must be furnished to the Commission (applies to successful and unsuccessful candidates).
2 September 2021	Date by which unsuccessful candidates must furnish to the Commission their donation statements, certificate of monetary donations and bank statements.
31 January 2022	Date by which the successful candidates in the election must furnish to the Commission their annual returns, including donation statements, certificate of monetary donations, and bank statements.
€8,700	Maximum amount of reimbursement of allowable election expenses that a qualifying candidate may claim.

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 Commission within 56 days after polling day, i.e. 2 September 2021. 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 Commission within the same timeframe, 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 Commission considered the donation statements provided by each of the unsuccessful candidates at the election.

While candidates may also receive donations of lesser amounts, only those above the statutory declaration threshold fall to be disclosed to the Commission. The amounts set out in this report, therefore, only reflect donations received that were above the declaration threshold, and are not an accounting of all donations received.

Declarable donations disclosed by the unsuccessful candidates at the election amounted to €5,200 as summarised in the following table.

Table 1: Declarable donations disclosed by unsuccessful candidates

Sections 23A(1)(i) and (ii) of the Act provide that, where a donation exceeding the permissible limit is received, then the donation must 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, within 14 days of receipt. A written record of the return must be kept for the purpose of it being provided to the Commission, if required; or the recipient of the donation must notify the Commission of receipt of the donation within 14 days and remit the donation or the value thereof to the Commission. In the case of a monetary donation, the part of it exceeding the limit must be returned or remitted.

One unsuccessful candidate in the election received an excess donation. The candidate was informed of the issue and advised to return or remit the excess amount.

Table 1

Candidate	Party	Number of donations	Value of donations €	Donations returned to donors €
Byrne, Claire	Green Party	1	1,000	—
Durcan, Sarah	Social Democrats	1	1,000	—
Purcell, Brigid	Solidarity/People Before Profit	2	2,200	500
Toibín, Mairead	Aontú	1	1,000	—
Total			5,200	500

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 (16 June – 8 July 2021) 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 Spending limit

The statutory spending limit for the election was €37,650 for a four-seat constituency.

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.

4.3 Election period

The spending limit at the 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)(ii) of the Act provides that the election period at the by-election is from the date of the issue of the writ to polling day, both dates included. The election period at the election was from 16 June 2021 to 8 July 2021.

4.4 Election Expenses Statement

Election expenses statements and statutory declaration forms were required from the election agents of each candidate who contested the election within 56 days of polling day (i.e. by 2 September 2021).

An election expenses statement and statutory declaration was also required by the same deadline from national agents of all the political parties that had candidates contesting the election.

4.5 Reported expenditure at the election

Details of expenditure declared at the election may be viewed in the tables that follow. Totals may not match due to rounding.

Table 2: Overall reported expenditure at the election

Candidate	EA/Candidate expenditure €	National Agent/Party expenditure on candidates €	National Agent/Party expenditure nationally ("National Spend") €	Total Expenditure €
Bacik, Ivana (Labour Party)	836	35,656	—	36,493
Barrett, Justin (The National Party)	—	2,557	—	2,557
Boylan, Lynn (Sinn Féin)	—	36,370	—	36,370
Byrne, Claire (Green Party)	43	28,979	1,323	30,345
Cahill, Dolores (Non-Party)	1,971	—	—	1,971
Conroy, Deirdre (Fianna Fáil)	245	34,381	—	34,626
Dooley, Peter (Non-Party)	1,138	—	—	1,138
Durcan, Sarah (Social Democrats)	10,161	15,905	—	26,066
Flynn, Mannix (Non-Party)	10,396	—	—	10,396
Geoghegan, James (Fine Gael)	17,961	14,942	—	32,903
Gilbourne, Jacqui (Renua)	—	4,056	—	4,056
Keigher, John Dominic (Non-Party)	328	—	—	328
O'Keefe, Colm (Non-Party)	589	—	—	589
Purcell, Brigid (Solidarity - PBP)	8,033	1,287	—	9,319
Tóibín, Mairead (Aontú)	—	9,297	—	9,297
Total	51,700	183,430	1,323	236,453

Table 3: Breakdown of reported expenditure by candidates

Candidate	Advertising	Publicity	Posters	Other Material	Office & Stationery	Transport & Travel	Market Research	Campaign Workers	Public Funds	Total €
Bacik, Ivana (Labour Party)	836	—	—	—	—	—	—	—	—	836
Barrett, Justin (The National Party)	—	—	—	—	—	—	—	—	—	—
Boylan, Lynn (Sinn Féin)	—	—	—	—	—	—	—	—	—	—
Byrne, Claire (Green Party)	—	—	—	—	—	43	—	—	—	43
Cahill, Dolores (Non-Party)	—	—	749	1,222	—	—	—	—	—	1,971
Conroy, Deirdre (Fianna Fáil)	245	—	—	—	—	—	—	—	—	245
Dooley, Peter (Non-Party)	—	—	638	500	—	—	—	—	—	1,138
Durcan, Sarah (Social Democrats)	2,379	—	707	7,075	—	—	—	—	—	10,161
Flynn, Mannix (Non-Party)	—	—	6,150	4,173	73	—	—	—	—	10,396
Geoghegan, James (Fine Gael)	—	—	10,004	5,882	838	1,237	—	—	—	17,961
Gilbourne, Jacqui (Renua)	—	—	—	—	—	—	—	—	—	—
Keigher, John Dominic (Non-Party)	—	—	—	328	—	—	—	—	—	328
O'Keefe, Colm (Non-Party)	—	—	—	589	—	—	—	—	—	589
Purcell, Brigid (Solidarity - PBP)	—	230	3,664	3,955	60	124	—	—	—	8,033
Tóibín, Mairead (Aontú)	—	—	—	—	—	—	—	—	—	—
Total	3,461	230	21,913	23,722	971	1,404	—	—	—	51,700

Table 4: Breakdown of reported expenditure by political parties on candidates

Political Party	Advertising	Publicity	Posters	Other Material	Office & Stationery	Transport & Travel	Market Research	Campaign Workers	Total €
Aontú	590	—	3,418	5,289	—	—	—	—	9,297
Fianna Fáil	5,427	1,215	16,476	11,013	—	250	—	—	34,381
Fine Gael	3,431	2,399	—	5,421	—	—	—	3,692	14,942
Green Party	11,457	1,050	9,002	7,220	—	—	250	—	28,979
Labour	—	1,637	7,976	25,644	—	—	400	—	35,656
The National Party	—	—	1,538	1,020	—	—	—	—	2,557
Renua	—	—	1,761	2,294	—	—	—	—	4,056
Sinn Féin	10,930	—	6,542	6,782	—	—	12,116	—	36,370
Social Democrats	8,597	—	4,334	2,975	—	—	—	—	15,905
Solidarity- PBP	—	—	—	1,287	—	—	—	—	1,287
Total	40,431	6,300	51,046	68,946	—	250	12,765	3,692	183,430

Table 5: Breakdown of reported national expenditure by political party

Political Party	Advertising	Publicity	Posters	Other Material	Office & Stationery	Transport & Travel	Market Research	Campaign Workers	Total €
Aontú	—	—	—	—	—	—	—	—	—
Fianna Fáil	—	—	—	—	—	—	—	—	—
Fine Gael	—	—	—	—	—	—	—	—	—
Green Party	773	550	—	—	—	—	—	—	1,323
Labour	—	—	—	—	—	—	—	—	—
The National Party	—	—	—	—	—	—	—	—	—
Renua	—	—	—	—	—	—	—	—	—
Sinn Féin	—	—	—	—	—	—	—	—	—
Social Democrats	—	—	—	—	—	—	—	—	—
Solidarity- PBP	—	—	—	—	—	—	—	—	—
Total	773	550	—	—	—	—	—	—	1,323

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 Dáil bye-election is €8,700. 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 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 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.

At the election, five candidates qualified for reimbursement of election expenses of €8,700 each.

Table 6: Reimbursements approved

Qualified candidates	Value of reimbursements €
Bacik, Ivana	8,700
Boylan, Lynn	8,700
Byrne, Claire	8,700
Conroy, Deirdre	8,700
Geoghegan, James	8,700
Total	43,500

Chapter 6: Publication of donation statements and election expenses statements

In accordance with section 24(7)(a) of the Act, an electronic copy of each donation statement received by the Commission from unsuccessful candidates at the 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 provided to the Commission in relation to the election, and which the Commission is satisfied has been correctly completed, has been laid before each House of the Oireachtas.

The donation statements and election expenses statements are available on the Oireachtas website at www.oireachtas.ie and on the Commission's website at www.sipo.ie.

Section 73 of the Act requires the donation statements and election expenses statements received by the Commission, together with relevant invoices, receipts or vouchers, to be made available for public inspection at its offices. Because of COVID-19 restrictions, in-person access to the documents is currently limited. Application for copies of the back-up documents can be made to the Commission via email at info@sipo.ie or by telephone at (01) 639-5666.

Normal in-person access arrangements will be restored as soon as possible.