

Seanad Bye-Elections April 2021

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
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Foreword

I am pleased to present this report on donations at the 2021 Seanad bye-elections to the Chairman of Dáil Éireann (Ceann Comhairle), in accordance with section 4(1) of the *Electoral Act 1997*, as amended (the Act).

Donation statements and statutory declarations referred to in the report were provided to the Standards Commission (the Commission) pursuant to section 24 of the Act. Certificates of monetary donations/statutory declarations and statements from financial institutions were provided pursuant to section 23B 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, and
- tax clearance requirements

is contained in the Commission's *Guidelines for the Seanad Bye-Elections 2021*, which are available on www.sipo.ie.



Garrett Sheehan
Chairperson
Standards in Public Office Commission
September 2021

Chapter 1: Introduction

Darragh O'Brien TD, Minister for Housing, Local Government and Heritage, announced on 3 March 2021 an order directing that bye-elections be held to fill two vacancies in Seanad Éireann. The vacancies arose from the resignations of Senator Michael D'Arcy and Senator Elisha McCallion. Senator D'Arcy had been elected from the Oireachtas Nominating Bodies Sub-Panel of the Agricultural Panel in the Seanad election in March 2020. Senator McCallion had been elected from the Oireachtas Sub-Panel of the Industrial and Commercial Panel, also in March 2020. Serving members of Dáil Éireann and Seanad Éireann were entitled to vote in the bye-elections, which filled the vacancies arising in the above-noted panels. Polls closed at 11am on Friday 21 April 2021.

The Act provides for the disclosure of donations to candidates at a Seanad bye-election. There are no limits on spending at a Seanad election.

Unsuccessful candidates at the Seanad bye-election were required, within 56 days of the poll closing (i.e. 16 June 2021), to furnish to the Commission a donation statement and accompanying documentation. They were required to disclose donations valued over €600.

As members of Seanad Éireann, the successful candidates at the bye-election must furnish an annual donation statement and accompanying documentation to the Commission by 31 January 2022 as part of the annual disclosure cycle for sitting members of the Oireachtas. These donation statements must include details of any donations received during 2021, including those received in relation to the bye-election.

Accordingly, this report deals only with the disclosure of donations by unsuccessful candidates at the elections.

The Commission had regard to the guidelines it issued in advance of the Seanad bye-election and it examined all statements received to ensure compliance with both the guidelines and the legislation. Based on the information received, the Commission has no evidence that any prohibited donations were received by candidates.

Chapter 2: Disclosure of donations by unsuccessful candidates

2.1 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. 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 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.

Completed donation statements and certificates of monetary donations were required to be returned to the Commission by 16 June 2021.

Agriculture Panel	Industry and Commerce Panel
Maria Byrne (Elected)	Ciarán Ahern
Angela Feeney	Hazel Chu
Ian Marshall	Gerry Horkan (Elected)
	Billy Lawless

2.2 Donations disclosed

The Commission considered the donation statements furnished by each of the unsuccessful candidates at the Seanad bye-elections. There were no donations disclosed by any candidate.

Chapter 3: Publishing of donation statements provided to the Commission

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 Seanad bye-elections has been laid before each House of the Oireachtas.

The donation 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 that the donation statements received by the Commission be made available for public inspection at its offices at 6 Earlsfort Terrace, Dublin 2, D02 W773. In light of the current COVID-19 pandemic, the Commission's offices are closed to callers. It is therefore not possible to provide for public inspection in person. Copies can be made available on application to the Commission via email at info@sipo.ie or by telephone at (01) 639-5666.