

Presidential Election 26 October 2018



Coimisiún um Chaighdeáin in Oifigí Poiblí Standards in Public Office Commission

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

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Foreword

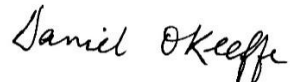
I am pleased to furnish this report to the Chairman of Dáil Éireann (Ceann Comhairle) in accordance with the provisions of section 4(1) of the Electoral Act 1997, as amended (the Act).

The Election Expenses Statements/Statutory Declarations referred to in the report were furnished to the Standards in Public Office Commission (the Standards Commission) pursuant to section 56 of the Act. Donation Statements/Statutory Declarations referred to in the report were furnished pursuant to section 48 of the Act, while the Certificates of Monetary Donations/Statutory Declarations and statements from financial institutions were furnished pursuant to section 48B 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

are contained in the Presidential Election Guidelines 2018 available on the Standards Commission website.



Justice Daniel O'Keeffe
Chairperson
July 2019

Chapter 1: Introduction

Pursuant to section 6 of the Presidential Elections Act 1993, the Minister for Housing, Planning and Local Government made an order on 28 August 2018 appointing 26 October 2018 as the day on which "the poll (if any) at the election shall be taken." Six candidates were nominated to contest the election.

In accordance with the provisions of Part VI of the Act, the presidential election agents of candidates at the presidential election were required, within 56 days after polling day (i.e., by 21 December 2018), to furnish to the Standards Commission:

- Election Expenses Statement/Statutory Declaration;
- Presidential Election Donation Statement/Statutory Declaration;
- Presidential Election Certificate of Monetary Donations/Statutory Declaration and Bank Statement.

To assist candidates and agents in complying with their obligations, the Commission published its *Guidelines for the Presidential Election 2018* on 31 August 2018. The Guidelines covered the main requirements of the Electoral Act relating to political donations, election spending and reimbursement of election expenses to qualified candidates.

The Commission published a draft version of the guidelines in August 2018. This gave stakeholders an opportunity to seek clarification and provide feedback on the guidelines. Observations provided were taken into account when the final version of the guidelines were published after the polling order was made.

Section 4(1) of the Act provides that the Standards Commission shall consider every statement furnished to it and 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.

This report concerns the statutory returns furnished in respect of the candidacy of the six candidates at the 2018 presidential election.

Having assessed the statutory documentation submitted to it the Commission is satisfied that no candidate exceeded the expenditure limit and no candidate received a reimbursement of election expenses in respect of expenditure that was not an election expense.

The relevant details relating to donations and expenses in relation to the election are given in Chapter 3.

Chapter 2: General information relating to the presidential election

The Standards Commission published *Guidelines for the Presidential Election 2018* and issued a copy to each presidential election agent setting out the requirements relating to various matters such as the acceptance and disclosure of donations, prohibited donations, political donation accounts and spending at the election.

Presidential election agents were also provided the opportunity to meet with members of the Standards Commission Secretariat in advance of the election with any queries.

The following is a summary of relevant useful information.

Useful Information

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 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

28 August 2018 to 26 October 2018 (inclusive)	Election period
€750,000	Spending limit for presidential election
10 December 2018 (45 days after polling day 2018)	Claims for payment of election expenses, from suppliers, must be received by the election agent by this date
21 December 2018 (56 days after polling day 2018)	Date by which election expenses statements, presidential election donation statement/certificate of monetary donations/bank statements must be furnished to the Standards Commission
€200,000	Maximum amount of reimbursement of election expenses that a qualifying candidate may claim

Chapter 3: Donations and election expenses disclosed

Donations disclosed amounted to €74,300. The election expenses disclosed amounted to €1,360,417.

The individual Donation Statements and Election Expenses Statements are available on the Commission's website - www.sipo.ie.

Table 1: Donations disclosed in respect of the candidates

Name of Candidate	Presidential Election Agent	Total value of donations > €600
Peter Casey	Francis Callaghan	—
Gavin Duffy	Eugene Gallagher	—
Joan Freeman	Richard Mulcahy	24,000
Seán Gallagher	Cathal Lee	9,000
Michael D. Higgins	Conor Power	41,300
Liadh Ní Riada	Treasa Quinn	—
Total		74,300

See Appendix 1 for full details of donations received.

Table 2: Election expenses disclosed in respect of the candidates

Name of Candidate	Election Expenses Incurred by Election Agent (rounded to nearest €)
Peter Casey	119,911
Gavin Duffy	163,438
Joan Freeman	253,194
Seán Gallagher	246,820
Michael D. Higgins	367,338
Liadh Ní Riada	209,716
Total	1,360,417

Table 3: Details of election expenses

Name of Candidate	Peter Casey	Gavin Duffy	Joan Freeman	Seán Gallagher	Michael D. Higgins	Liadh Ní Riada	Total
Advertising	25,778.86	6,030.60	—	—	49,869.73	7,441.50	89,120.69
Publicity	42,776.44	52,609.28	61,016.68	22,884.09	18,531.38	9,809.05	207,626.92
Election Posters	—	—	—	—	75,342.97	79,807.65	155,150.62
Other Election Material	—	41,386.01	74,741.89	169,111.45	143,018.54	84,047.26	512,305.15
Office & Stationery	9,225.00	12,636.10	17,308.80	19,693.57	36,518.34	736	96,117.81
Transport & Travel	10,916.35	17,354.90	6,932.24	27,189.11	5,618.64	27,874.16	95,885.40
Market Research	2,656.80	—	2,460.00	—	—	—	5,116.80
Campaign Workers	28,557.85	33,420.90	90,734.87	7,942.00	38,438.42	—	199,094.04
Election Expenses Incurred	119,911.30	163,437.79	253,194.48	246,820.22	367,338.02	209,715.62	1,360,417.43

Chapter 4: Reimbursement of election expenses

Section 21A(1)(A) of the Act provides for the reimbursement of election expenses to qualified candidates at a Presidential Election.

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 which may be reimbursed to qualified candidates at a presidential election is €200,000. Candidates who qualified for a reimbursement were eligible, therefore, to receive the lesser of €200,000 or the actual amount of election expenses incurred on their behalf at the election.

The Standards Commission is required under section 21(A)(1)(d) of the Act to certify to the Minister for Public Expenditure and Reform 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 for Reimbursement of Election Expenses form to a qualified candidate until such time as all matters relating to the completion of his/her statutory returns have been finalised.

In the 2018 Presidential election a total of two candidates qualified for reimbursement of election expenses. The total amount of reimbursements certified in relation to the Presidential election was €319,911.30.

Table 4: Reimbursements issued

Name of Candidate	Election Expenses Incurred €	Amount of reimbursement €
Peter Casey	119,911.30	119,911.30
Michael D. Higgins	367,338.02	200,000.00
Total	487,249.32	319,911.30

Chapter 6: Publication of donation statements and election expenses statements

In accordance with the provisions of the Act,

- an electronic copy of each donation statement received by the Standards Commission at the Presidential election has been laid before each House of the Oireachtas;
- a copy of each election expenses statement which was furnished to the Standards Commission in relation to the Presidential election and which the Standards Commission is satisfied has been correctly completed has been electronically laid before each House of the Oireachtas; and
- the donation statements and election expenses statements received by the Standards Commission, together with relevant invoices, receipts or vouchers, are being made available for public inspection and copying at the offices of the Standards Commission for a period of three years.

Appendix 1 Details of Donations Disclosed

Candidate	Donor	Value of donation €
Joan Freeman	David Albericci	1,000
	Imelda Albericci	1,000
	Shane Connaughton	1,000
	Nicola Culhane	1,000
	Olivia Dowling	1,000
	Richard Drumgoole	1,000
	David Kennan	1,000
	*James Kennedy	1,000
	Avril Kenny	1,000
	Barry Kenny	1,000
	John Lowe	1,000
	* Michael Madden	1,000
	Dean McCarthy	1,000
	Paul McCarthy	1,000
	Yvonne McCarthy	1,000
	Stephen Mannix	1,000
	PJ Nolan	1,000
	Robert O'Brien	1,000
	Garrett Peers	1,000
	Jackie Power McCarthy	1,000
	David Raethorne	1,000
	Brian Raythorn	1,000
John Regan	1,000	
* Desmond Walsh	1,000	
Total		24,000

Candidate	Donor	Value of donation €
Seán Gallagher	* Michael Brewster	1,000
	Fergal Feeny	1,000
	Catherine Hoyne	1,000
	Michael Hoyne	1,000
	* Margaret Hynes	1,000
	** Hatch Street Consultancy Ltd	1,000
	** Earlsfort Capital Partners Limited	1,000
	** Earlsfort Capital Partners 2 Limited	1,000

	** Earlsfort Capital Partners 3 Limited	1,000
Total		9,000

Candidate	Donor	Value of donation €
Michael D. Higgins	Liam Cahill	1,000
	Henry Cleary	1,000
	Martina Cleary	1,000
	Regina Cleary	1,000
	John Coyle	1,000
	Michael Dwan	1,000
	Pauline Dwan	1,000
	David Evans	1,000
	Mark Garrett	1,000
	* Martin Keith	1,000
	Conor Kenny	1,000
	Ross Lewis	1,000
	Amelia McDonald	1,000
	Christine McGrath	1,000
	Joanne McGrath	1,000
	Eileen McKiernan	1,000
	Elizabeth McKiernan	1,000
	Paddy McKiernan	1,000
	Susan McLoughlin	1,000
	Annette Mee,	1,000
	David Mee, Tahilla	1,000
	Denise Mee	1,000
	Jeanette Mee	1,000
	Jennifer Mee	1,000
	Michael Mee	1,000
	Zara Mee	1,000
	Tom O'Connor	1,000
	Ronnie O'Gorman	1,000
	Brian O'Malley	1,000
	Margaret O'Malley	1,000
	Sean Pairceir	1,000
	Sheila Peters	1,000
	Ruth Powell	659
Tom Purcell	1,000	
Padraic Rathigan	1,000	
John Rogers	1,000	
Deirdre Rudden	1,000	
Charles J Sinnott	1,000	

	John Sutton	1,000
	Thereasa Sweeney	641
	Glenn Taggart	1,000
	** Galway Business School	1,000
Total		41,300
Overall Total		74,300

* Irish Citizen (address provided outside island of Ireland)

** Registered Corporate Donor