

**Seanad General Election
30 and 31 March 2020**

**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

I am pleased to present this report on donations at the 2020 Seanad General Election 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 General Election March 2020* which are available on www.sipo.ie.



Garrett Sheehan
Chairperson
Standards in Public Office Commission
November 2021

Chapter 1: Introduction

The Electoral Act 1997, as amended (the Act), provides for the disclosure of donations to candidates at a Seanad election. There are no limits on spending at a Seanad election.

The 32nd Dáil was dissolved on 14 January 2020. In accordance with section 8 of Article 18 of the Constitution, a general election for the Seanad must take place not later than ninety days after a dissolution of the Dáil. Ballot papers for panel members were issued on 16 March 2020 and the poll was closed on 30 March 2020. Ballot papers for the university constituencies were issued and posted on 28 February 2020 and the poll was closed on 31 March 2020.

One hundred and forty-seven candidates contested the election (118 panel candidates and 29 University candidates). The names and addresses of panel candidates were provided to the Commission by the Office of the Seanad Returning Officer and by the universities concerned. Forty-three Senators are elected by the vocational panels. Six Senators are elected by the two university panels – three from the National University of Ireland and three from the University of Dublin (Trinity College).

The provisions of the Act regarding the disclosure and limitation of donations applied to all candidates at the election. There are no limits on spending at a Seanad election.

Unsuccessful candidates at the election were required, within 56 days of the poll closing, to furnish to the Commission a donation statement and accompanying documentation. In their statement, they were required to disclose donations valued over €600. The date by which donation statements were required to be received by the Commission was 25 May 2020 in the case of unsuccessful panel candidates, and 26 May 2020 in the case of unsuccessful university candidates.

As members of Seanad Éireann, the successful candidates at the election must furnish an annual donation statement and accompanying documentation to the Commission by 31 January 2021 as part of the annual disclosure cycle for sitting members of the Oireachtas. These donation statements must include details of any donations received during 2020, including those received in relation to the Seanad general election.

Accordingly, this report deals only with the disclosure of donations by unsuccessful candidates at the election and related matters. A separate report on donations to TDs, Senators and MEPs in 2020 will be published by the Commission in due course.

The Commission had regard to the guidelines it issued in advance of the election and it examined all statements received to ensure compliance with both the guidelines and the legislation. Based on the information received, three candidates received prohibited donations from unregistered corporate donors. As these donations were subsequently returned, all are now in compliance.

Chapter 2: General information relating to the election

The Commission published guidelines after the polling order for the election 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 acceptance and disclosure of political donations, prohibited donations and political donation accounts.

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 from a corporate donor in any calendar year unless the corporate donor is registered in the Register of Corporate Donors maintained by the Commission.
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 & limits

25 May 2020 (56 days after polling day)	Date by which unsuccessful candidates of vocational panels must furnish donation statement/certificate of monetary donations/bank statements to the Commission
26 May 2020 (56 days after polling day)	Date by which unsuccessful candidates of university panels must furnish donation statement/certificate of monetary donations/bank statements to the Commission
31 January 2021	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

The Commission issued guidelines on the acceptance and disclosure of donations to Seanad election candidates on 25 February 2020. Subsequently, a form for a donation statement, a certificate of monetary donations and a statutory declaration issued to 98 unsuccessful candidates (75 panel candidates and 23 university candidates) on 17 April 2020.

Completed donation statements and certificates of monetary donations were required to be returned to the Commission by 25 May 2020 in the case of unsuccessful panel candidates, and by 26 May 2020 in the case of unsuccessful university candidates.

It is an offence under section 25(1)(c) of the Act to fail to furnish a donation statement/statutory declaration form and, where required, a certificate of monetary donations/statutory declaration form and accompanying bank statement by the statutory deadline. Unsuccessful candidates are given a significant amount of time after an election to comply.

On 14 July 2020, the Commission wrote to all candidates who had failed to provide the statutory documentation as requested, advising that if the documentation was not received by the Commission by 28 July 2020, a file on the matter would be referred to the Director of Public Prosecutions.

In April, the Commission sent files to Director of Public Prosecutions concerning two candidates who had failed to return the required statutory documentation. One candidate was not pursued by Director of Public Prosecutions due to the candidate residing outside the state.

3.2 Donations disclosed

In accordance with section 4(1) of the Act, the Commission considered the donation statements furnished by each of the unsuccessful candidates at the election. Five candidates disclosed donations totalling €5,970.94. Details of these donations disclosed by unsuccessful candidates at the election are contained in the Appendix to this report. The remaining candidates who furnished a donation statement did not disclose any donations.

Chapter 4: Publication of donation statements

In accordance with section 24(7)(a) of the Act, a copy of all donation statements received by the Commission from unsuccessful candidates at the election has been electronically 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. Once restrictions are lifted, in-person inspection will resume. It is advised to ring ahead to ensure the office is open to callers. Where it is not possible to provide for in-person public inspection, copies can be made available on application to the Commission via email at info@sipo.ie or by telephone at (01) 639-5666.

Certificates of monetary donations/statutory declarations and statements from financial institutions, while retained by the Commission, are not made public or otherwise disclosed, unless required by court order or an enquiry by the Commission.

Appendix: Donations disclosed by unsuccessful candidates

Candidate Name	Panel/ Constituency	Name, address and description of donor	Value of Donation €	Donations returned to donors €
Clonan, Tom	University of Dublin	Cian McCourt, Hillside, Westminster Road, Foxrock, Co. Dublin	750	N/A
		John Corless, 43 Wellington Road, Ballsbridge, Dublin 4.	1,000	
		Jason Kelly, Menloe Gardens, Blackrock, Cork, Co. Cork	1,000	
Cantillon, Dermot*	Agricultural Panel	Irish Thoroughbred Breeders Association, Greenhills, Kill, Co. Kildare	1,000	800
Dowling, Eva Elizabeth*	National University of Ireland	Green Party Ireland, 16/17 Suffolk Street, Dublin 2.	1,000	800
Harkin-Kelly, Martina	Labour Panel	Irish Nurses and Midwives Organisation, The Whitworth Building, Brunswick Street North, Dublin 7	220.94	N/A
Priestley, William*	University of Dublin	Green Party Ireland, 16/17 Suffolk Street, Dublin 2.	1,000	800

** Denotes the donor was an unregistered corporate donor and the excess donation was returned to the donor.*