

# *Dáil General Election 26 February 2016*

*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**

*December 2016*

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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 (Standards 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 General Election to the 32nd Dáil 2016 which are available on [www.sipo.ie](http://www.sipo.ie).

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Justice Daniel O’Keeffe  
Chairman  
December 2016

## **Chapter 1: Introduction**

Section 4(1) of the Act provides that the Standards 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.

The 31st Dáil was dissolved on 3 February 2016 and polling for the general election to the 32nd Dáil took place on 26 February 2016. 551 candidates contested the election.

In accordance with the provisions of Part IV of the Act, unsuccessful candidates at the Dáil general election were required, within 56 days after polling day (i.e., by 22 April 2016), to furnish to the Standards Commission a donation statement, certificate of monetary donations, statutory declaration and/or bank statement. Details of all donations, with a value greater than €600.00, received by unsuccessful candidates in relation to the election were required to be disclosed. Successful candidates at the election are required, as members of Dáil Éireann, to furnish the required documentation to the Standards Commission by 31 January each year. The documents furnished to the Standards Commission in respect of 2016 by members of Dáil Éireann must include details of any donations received by them during 2016 in relation to the Dáil general election. These documents must be furnished to the Standards Commission by 31 January 2017.

Part V of the Act provides that the election agent of each candidate, whether successful or unsuccessful, at a Dáil general election is required to furnish an election expenses statement to the Standards Commission within 56 days after polling day (i.e., by 22 April 2016). 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 and from "other persons" who incurred election expenses.

## Chapter 2: Disclosure of Donations by unsuccessful candidates

### 2.1 Donation statements and certificates of monetary donations received from unsuccessful candidates

If a candidate was **unsuccessful** at the election, he/she must, **within 56 days** after polling day (i.e., by 22 April 2016), furnish to the Standards Commission a donation statement. The donation statement must give details of all donations received in relation to the election with a value greater than €600. See section 1.3 of the Standards Commission general election guidelines on donations.

A certificate of monetary donations must also be supplied to the Standards Commission **within 56 days** after polling day (i.e., by 22 April 2016), certifying that all monetary donations received were lodged to the candidate's political donations account and 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.

If a candidate was **elected** at the election, he/she was required to submit a donation statement, statutory declaration and certificate of monetary donation within 56 days after polling day. Instead, he/she will be required, as a member of Dáil Éireann, to furnish an annual donation statement, certificate of monetary donation and statutory declaration to the Standards Commission by 31 January each year.

### 2.2 Donations Disclosed

In accordance with section 4(1) of the Act, the Standards Commission considered the donation statements furnished by each of the unsuccessful candidates at the Dáil general election. A number of candidates were contacted in respect of possible excess donations and, where required following further discussions, refunds were made to the respective donors and confirmation issued to the Standards Commission.

Donations declared by the unsuccessful candidates at the Dáil general election amounted to **€112,320.38**. The table below summarises the donations declared by the candidates, categorised by political party:

**Table 1: Donations disclosed by unsuccessful candidates by political party**

<b>Political Party</b>	<b>Value of cash donations €</b>	<b>Value of non-cash donations €</b>	<b>Total value of all donations €</b>
Anti Austerity Alliance/People before Profit	0.00	16,540.50	16,540.50
Catholic Democrats	0.00	0.00	0.00
Communist Party of Ireland	0.00	0.00	0.00
Direct Democracy Ireland	0.00	174.00	174.00
Fianna Fáil	0.00	29,411.00	29,411.00
Fine Gael	1000.00	2,334.00	3,334.00
Fís Nua	0.00	0.00	0.00
Independent 4 Change	0.00	0.00	0.00
Irish Democratic Party	0.00	0.00	0.00
Non Party	900.00	19,975.57	20,875.57
Renua Ireland	0.00	2,820.00	2,820.00
Sinn Féin	0.00	1,000.00	1,000.00
Social Democrats	0.00	12,401.00	12,401.00
The Green Party (GP)	0.00	7,245.01	7,245.01
The Labour Party (Lab)	1,500.00	17,019.30	18,519.30
The Workers' Party (WP)	0.00	0.00	0.00
<b>TOTAL</b>	<b>3,400.00</b>	<b>108,920.38</b>	<b>112,320.38</b>

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

A number of unsuccessful candidates in the 2016 Dáil general election received excess donations. The table in the Appendix summarises the donations declared by these candidates.

## **Chapter 3: Election spending by candidates and political parties**

### **3.1 Definition of election expenses**

Section 31(1) of the Act provides that election expenses are those and those only 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 (see paragraph 3.4 for the definition of election period) in order to:

- promote or oppose the interests of a political party or the election of a candidate, 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
- 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 of property, goods or services free or below cost which are used at the election during the election period 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.

### **3.2 Election Expenses originally met from public funds**

Arising from the judgment in *Kelly v. Minister for the Environment & Ors 2002* (4 I.R. 191), where property, services or facilities were used for electoral purposes during the election period and the costs were originally met out of public funds, such costs must be accounted for as election expenses at their full commercial value.

Section 2.7.5 of the Standards Commission's Dáil general election guidelines issued to all candidates provides further information. Sixty candidates provided information on their election expense statements to indicate a portion of their expenses were met from public funds. Not all candidates declared expenditure met from public funds and no political party declared such expenditure. The overall total of costs met from public funds was €50,626.76.

### **3.3 Spending limits**

The statutory spending limits applying for the 2016 Dáil general election were the same as those in the 2011 general election:

- 3 seat constituency - €30,150,
- 4 seat constituency - €37,650, and
- 5 seat constituency - €45,200.

The statutory spending limit is for each candidate in a constituency and is inclusive of VAT. The statutory limit represents the maximum spending allowed on a candidate in a constituency 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.

### 3.4 The Election period

The spending limit at a Dáil general 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) of the Act provides that the election period at a Dáil general election is from the date of the dissolution of the Dáil until polling day, both dates included. The Dáil was dissolved on 3 February 2016 and polling day took place on 26 February 2016.

The Standards Commission has repeatedly called for a review of "the election period" at Dáil and European elections to address the issue of significant spending support of a party candidate or issue in advance of an election call. This has been observed particularly where a Dáil general election is held as a government is nearing the end of its full term of office. (Where a "snap" election is called the "frontloading" of expenditure is less likely to arise). In its review of the Act in 2003, the Standards Commission stated that *"Given the level of debate and comment around this issue (the election period) and the potential for such to fundamentally undermine the perceived effectiveness of the legislation, the Standards Commission is of the view that consideration should be given to whether, in respect of a specified period prior to commencement of the legally defined election period, there is a case for imposing some accountability in the context of the spending limits."* This view has been reinforced by the Standards Commission's experience of the 2016 and previous election campaigns.

### 3.5 Issuing of Election expenses statements

Election expenses statements and statutory declaration forms were required from the election agents of each candidate who contested the general election **within 56 days** after polling day (i.e., by 22 April 2016). A number of election agents acted for more than one candidate. In such cases, the election agent was required to furnish a separate election expenses statement in respect of each candidate. Some candidates also acted as their own election agent. In 2016, 551 individual candidates contested the election.

An election expenses statement and statutory declaration was also required in respect of all the political parties which had candidates contesting the election. These forms were also required by 22 April 2016.

### 3.6 Persons referred to Gardaí

*Candidates/election agents referred to the Gardaí*

It is an offence under section 25(1)(c) of the Act to fail to furnish a donation statement/statutory declaration form. 121 of the 393 unsuccessful candidates returned their donation statements/statutory declaration **after** the statutory deadline of 22 April 2016.

It is an offence under section 25(1)(c) of the Act to fail to furnish a certificate of monetary donations/statutory declaration form and/or accompanying bank statement. 123 of the 393 unsuccessful candidates returned their certificate of monetary donations/statutory declaration form and/or accompanying bank statement **after** the statutory deadline of 22 April 2016.



It is an offence to fail to furnish an election expenses statement/statutory declaration under section 43(2)(c) of the Act. 84 of the 551 candidates/election agents submitted an election expense statement/statutory declaration **after** the statutory deadline of 22 April 2016.

Between 22 April 2016 and the end of October 2016 the Standards Commission undertook to communicate with candidates whose documents were still outstanding. Reminders issued referred to the offence under sections 25(1)(c) and 43(2)(c) of the Act for failure to furnish documents as requested and warned that the Standards Commission would consider referring the matter to the Gardaí for an investigation of the offence. These communications proved a useful tool to improve compliance.

On 25 November 2016 the Standards Commission sent 66 files to Garda Headquarters concerning the candidates who had failed to return the required statutory documentation. These referrals include candidates/election agents who failed to return donation statements, certificates of monetary donations, statutory declarations, statements from a financial institution, or election expenses statements.

Table 2 shows the 23 people who failed to provide any documentation to the Standards Commission and were referred to the Gardaí.

**Table 2 : No documentation provided; referred to Gardaí**

<b>Name</b>	<b>Party</b>	<b>Constituency</b>
Bullman, Paddy	Non Party	Cork East
Cannon, Ross	Non Party	Cork East
DeBrun, Marcus	Non Party	Dublin Fingal
Dillon, Michael	Non Party	Tipperary
Dwyer, Michael (EA for Patrick Manning)	Non Party	Carlow/Kilkenny
Horgan, John (EA for Ross Cannon)	Non Party	Cork East
Hourihane, Elizabeth	Non Party	Cork South Central
Keohane, Ger	Non Party	Cork North Central
Kiely, Thomas	Non Party	Cork North Central
MacStiofain, Alan	Non Party	Dublin Bay South
Manning, Patrick	Non Party	Carlow/Kilkenny
McAdam, Seamus (EA for James Mee)	Non Party	Cavan/Monaghan
Mee, James	Non Party	Cavan/Monaghan
Na hEaladh, Greim (EA for Niamh O'Brien)	Fís Nua	Clare
Ó Cadhla, Diarmaid	Non Party	Cork South Central
Ó Conaráin, Proinsias	Non Party	Dublin Bay North
O'Brien, Niamh	Fís Nua	Clare
O'Connell, Fergal	Non Party	Dublin Fingal
Riordan, Denis	Non Party	Limerick City
Smith, Emmet	Non Party	Cavan/Monaghan

Summerville-Molloy, Joan	Non Party	Dublin South West
Sweeney, Bernard	Non Party	Sligo Leitrim
Tyrrell, Sarah	Renua Ireland	Meath East

Table 3 shows the 43 people who failed to provide the required documentation listed or have not provided clarification or further details as requested by the Standards Commission and were referred to the Gardaí.

**Table 3: Incomplete documentation provided; referred to Gardaí**

Leslie, Antonia (EA for Aoife O'Connell)	Direct Democracy Ireland	Cavan/Monaghan	SD on EES incomplete
Beirne, Michael	Non Party	Kildare North	EES
Connor, Anthony	Direct Democracy Ireland	Louth	CMD, DS & SD
Deegan, Liam (EA for Michael McDermott)	Direct Democracy Ireland	Cavan/Monaghan	SD on EES incomplete
Duffy, Francis Noel	The Green Party	Dublin South West	BS
Fitzgerald, Shane	Renua Ireland	Kildare North	CMD not completed & assignment letter outstanding
Gilroy, Ben	Direct Democracy Ireland	Meath East	CMD, DS & SD
Greene, Patrick	Direct Democracy Ireland	Louth	CMD/DS & SD
Griffin, Shirley	Non Party	Cork North West	SD on EES outstanding
Hayes, Desmond J	Non Party	Limerick City	CMD/DS & SD
Healy, Christopher	Direct Democracy Ireland	Dublin Mid-West	CMD, DS & SD
Heffernan, James	The Social Democrats	Limerick County	Incorrect EA on EES and page 2 of DS is incomplete
Hunt, Carol	Non Party	Dun Laoghaire	EES
Jackson, Donal	Non Party	Longford/Westmeath	EES
Jordan, Peter	Non Party	Mayo	EES
Kenneally, Ciarán	Renua Ireland	Cork South Central	CMD, DS & SD
Killian, Nicholas (EA for Sharon Keogan)	Non Party	Meath East	Last page of SD outstanding
McDermott, Michael	Direct Democracy Ireland	Cavan/Monaghan	CMD & SD not completed

McDonagh, Seamus	The Workers' Party	Meath East	EES outstanding & SD incomplete
McElhinney, George (EA for Tracey McElhinney)	The Labour Party	Meath West	SD on EES
McElhinney, Tracey	The Labour Party	Meath West	DS & BS outstanding. SD incomplete
McGarvey, Ian	Non Party	Donegal	CMD, DS & SD
Miller, James	Non Party	Longford/Westmeath	CMD & SD
Mohally, Michael	Non Party	Cork South Central	EES
Molloy, Gerry	Renua Ireland	Dublin Fingal	CMD, DS & SD
Mooney, Michael	Non Party	Donegal	EES outstanding & SD on DS not completed
Moore, Sinead	The Green Party	Laois	Incorrect EA on EES
Murray, Gabriel (EA for Noel Walsh)	Non Party	Carlow/Kilkenny	EES
Ó Céadaigh, Cón (EA for Charlie Keddy)	Non Party	Wicklow	EES incomplete
O'Boyle, Gerry	Non Party	Mayo	CMD, DS & SD
O'Connell, Aoife	Direct Democracy Ireland	Cavan/Monaghan	CMD, DS & SD,
O'Connell, Louis (EA for Brendan Griffin, Jimmy Deenihan and Grace O'Donnell)	Fine Gael	Kerry	Queries on EES claims for all three candidates and request for outstanding invoices for Griffin and Deenihan
O'Gorman, John	Non Party	Limerick County	EES
O'Neill, Damien	Non Party	Dublin Bay North	CMD not completed
O'Hora, Leslie V	The Green Party	Sligo/Leitrim	CMD & SD
Powell, Gillian	Non Party	Cork South West	BS
Reilly, James	Fine Gael	Dublin Fingal	Proof that excess donation was returned
Ryan-Freehan, Teresa	Non Party	Offaly	Incorrect EA on EES
Sheridan, Seamus	Non Party	Galway West	Incorrect EA on EES
Smyth, Mary	Non Party	Cavan Monaghan	DS & CMD

Tierney, Eoin	Non Party	Dublin Bay South	Query on donation received
Timmons, Francis	Non Party	Dublin Mid-West	CMD not completed
Whitehead, Raymond	Direct Democracy Ireland	Dun Laoghaire	EES

*DS – donation statement, CMD – certificate of monetary donations, SD – statutory declaration, BS – bank statement, EES – election expenses statement, EA – election agent*

### 3.7 Reported expenditure at the election

Table 4 below sets out the overall expenditure declared by election agents and parties in all constituencies.

**Table 4: Overall constituency spending at 2016 general election**

EA/Candidate expenditure in constituencies €	National Agent/Party expenditure on candidates in constituencies €	National Agent/Party expenditure nationally (“National Spend”) €	Total expenditure in constituencies €
<b>5,609,859.44</b>	<b>579,096.83</b>	<b>2,205,379.62</b>	<b>8,394,832.89</b>

#### *National Agents' Election Expenses Statements*

In accordance with section 4(1) of the Act, the Standards Commission considered these Election Expenses Statements. National agents were required to account for national spending and spending on individual candidates. While there were queries raised and some corrections required, the Standards Commission received good cooperation from the national agents in amending and returning their Election Expenses Statements.

Table 5 shows a summary of overall expenditure by election agents and parties in all constituencies.

**Table 5: Overall spending at 2016 general election.**

Party	EA/Candidate expenditure in constituency	National Agent/Party expenditure on candidate in constituency	National Agent/Party expenditure nationally ("National Spend")	Total value of all expenditure
AAA/PBP	203,658.4	58,110.63	5,173.45	266,942.48
Catholic Democrats	984.87	2,514.04	0	3,498.91
Communist Party of Ireland	4,500	0	4,300	8,800
Direct Democracy Ireland	28,505.28	0	0	28,505.28
Fianna Fáil (FF)	1,132,421.38	225,224.13	330,270.78	1,687,916.29
Fine Gael (FG)	1,348,272.67	207,006.83	1,213,602	2,768,881.50
Fís Nua (FN)	0	0.00	0.00	0
Independents 4 Change	51,669.18	0	0	51,669.18
Irish Democratic Party	0	0	0	0
South Kerry Independent Alliance	0	0	0	0
Non Party (NP)	1,201,601.33	0.00	0	1,201,601.33
Renua Ireland	234,224.66	27,158.43	24,846.95	286,230.04
Sinn Féin (SF)	573,364.80	8,367.17	68,458.41	650,190.38
Social Democrats	144,003.56	0	46,583.37	190,586.93
The Green Party (GP)	140,526.26	0	6,266.01	146,792.27
The Labour Party (Lab)	527,124.13	50,715.60	505,878.65	1,083,718.38
The Workers' Party (WP)	19,002.92	0	0	19,002.92
<b>TOTAL</b>	<b>5,609,859.44</b>	<b>579,096.83</b>	<b>2,205,379.62</b>	<b>8,394,832.89</b>

The total of all National Agent/Party expenditure nationally ("National Spend") can be further broken down under the following headings:

- Advertising €702,227.50
- Election Posters €416,544.50
- Publicity €365,031.20
- Market Research €269,060.20
- Other Election Material €150,117.90

- Campaign Workers €111,854.20
- Transport and Travel €99,493.83
- Office and Stationery €91,050.35

**Table 6 Breakdown of national spending by political party**

Party	Advertising	Publicity	Posters	Other Material	Office and Stationery	Transport and Travel	Market Research	Campaign Workers	Total
AAA/PBP	307.50	1,294.60	3,376.35	0	195	0	0	0	<b>5,173.45</b>
Catholic Democrats	0	0	0	0	0	0	0	0	<b>0</b>
Communist Party of Ireland	0	0	700	3,500	0	100	0	0	<b>4,300</b>
Fianna Fáil	27,393.66	47,105.16	145,891.02	47,064.17	48,763.88	10,302.89	0	3,750	<b>330,270.78</b>
Fine Gael	440,480	232,194	136,556	18,332	4,704	35,874	252,747	92,715	<b>1,213,602</b>
Renua Ireland	3,086.91	16,739.54	375.15	30.69	1,458.50	0	0	3,156.16	<b>24,846.95</b>
Sinn Féin	18,253.82	3,721.50	15,885.50	6,936.35	6,911.24	16,750	0	0	<b>68,458.41</b>
Social Democrats	0	18,409.49	1,623.60	23,717.09	2,065	561.69	206.50	0	<b>46,583.37</b>
The Green Party	0	1,528.80	0	4,103.48	379.87	253.86	0	0	<b>6,266.01</b>
The Labour Party	212,705.64	44,038.10	112,136.91	46,434.08	26,572.86	35,651.39	16,106.67	12,233	<b>505,878.65</b>
<b>TOTAL</b>	<b>702,227.50</b>	<b>365,031.20</b>	<b>416,544.50</b>	<b>150,117.90</b>	<b>91,050.35</b>	<b>99,493.83</b>	<b>269,060.20</b>	<b>111,854.20</b>	<b>2,205,379.62</b>

The national spend for all parties is €2,205,379.62, which is in addition to the constituency election expenditure totalling €6,188,956.27 disclosed by candidates' election agents and the national agents of political parties. The overall election expenses incurred on behalf of candidates and political parties at the 2016 general election amounted therefore to **€8,394,832.89**.

#### **Chapter 4: Reimbursement of candidates' election expenses**

Section 21(1) of the Act provides for the reimbursement of election expenses to qualified candidates at a Dáil general 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 in the constituency at any stage of the counting of votes.

The maximum amount which may be reimbursed to qualified candidates at Dáil elections is €8,700. Candidates who qualified for a reimbursement were eligible, therefore, to receive the lesser of €8,700 or the actual amount of election expenses incurred on their behalf at the election. The Standards 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 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.

A number of candidates seeking a reimbursement have been referred to the Gardaí and therefore no reimbursements will issue until all fully completed documentation has been received by the Standards Commission.

In the 2016 Dáil general election a total of 321 candidates qualified for reimbursement of election expenses. The total amount of reimbursements certified to date is shown on the table 7 below. Further applications will be processed as they are received.

**Table 7      Reimbursements paid**

<b>Number of Qualified Candidates</b>	<b>Number of Certificates issued</b>	<b>Total value of Reimbursements issued to date</b>
321	316	€2,692,754.71

## Chapter 5: "Other person"/"third party" activity at the election

The Standards Commission produced explanatory notes which set out the requirements attaching to "other persons" and "third parties" at the Dáil general election which were published on the website of the Standards Commission. The explanatory notes were issued to anyone of whom the Standards Commission became aware and whom the Commission considered may have been incurring expenses at the Dáil general election.

As required under section 31(7) of the Act the following people notified the Standards Commission in advance of their intention to incur election expenses:

- North East Pylon Pressure Campaign,
- Pro Life Campaign, and
- Independent Alliance.

Every person who incurred election expenses pursuant to section 31(7) of the Act was required to furnish an election expenses statement to the Standards Commission by 22 April 2016. Independent Alliance and Pro Life Campaign each completed and returned election expenses statement forms within the statutory deadline. The North East Pylon Pressure Campaign furnished an election expenses statement on 5 May 2016. Expenses totalling €40,863.33 were disclosed by those "other persons" who furnished an election expenses statement. Details of the expenses incurred are shown in table 8.

**Table 8 Expenditure by "other persons"**

<b>Name</b>	<b>Expenditure amount €</b>
North East Pylon Pressure Campaign	0.00
Pro Life Campaign	40,311.03
Independent Alliance	552.30
<b>Total</b>	<b>40,863.33</b>



## **Chapter 6: Publishing of donation statements and election expenses statements furnished to the Standards Commission**

In accordance with section 24(7)(a) of the Act, an electronic copy of each donation statement received by the Standards Commission from unsuccessful candidates at the Dáil general election has been laid before each House of the Oireachtas. As stated previously the Standards Commission has referred a number of files to the DPP. Should the Commission at some future date receive outstanding donation statement(s), the Gardaí will be informed of this and arrangements made to lay the donation statement(s) before the Oireachtas. They will also be made available for public inspection as soon as received.

In accordance with section 37(1) of the Act, a copy of each election expenses statement which was furnished to the Standards Commission in relation to the Dáil general election and which the Standards Commission is satisfied has been correctly completed has been electronically laid before each House of the Oireachtas. In accordance with section 73 of the Act, 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. As stated previously the Standards Commission has referred a number of files to the Gardaí. Should the Commission at some future date receive outstanding election expense statement(s), the Gardaí will be informed of this and arrangements made to lay the election expense statement(s) before the Oireachtas. They will also be made available for public inspection as soon as received.

## **Chapter 7: Suggested amendments to the legislation**

In administering the provisions of the Electoral Act, the Standards Commission has identified a number of amendments to the Acts that, if implemented, would enhance, clarify or strengthen the Act. Some have been referenced earlier in this report, or in other forums. The proposed amendments are:

1. As the body with responsibility for supervising the Act the Standards Commission should have a statutory role to review the operation of the Act and report on its findings.
2. The proposed establishment of an Electoral Commission, as set out in the current Programme for Government, should prompt a complete review of the legislation.
3. Notification of a change of election agent must be routed through the Returning Officer for the constituency. This causes an unnecessary level of bureaucracy for all concerned and can delay the Standards Commission in finalising election expenses statements which have not been completed by the notified election agent. The Standards Commission considers that it would be preferable if candidates were required to notify the Standards Commission directly of the appointment or change of an election agent.
4. The Commission is concerned that "front-loading" of campaign expenditure undermines the effectiveness of the expenditure limits and may create the perception that accounting for expenditure at elections is little more than a paper exercise. The Standards Commission considers that expenditure on goods, property or services used for electoral purposes in the 2 to 3 months leading up to a formal election call could reasonably be construed as intended to elicit support at the election for a candidate or political party and should be included in the reporting of expenses.

## Appendix

Excess Donations by unsuccessful candidates:

<b>Party</b>	<b>Candidate</b>	<b>Constituency</b>	<b>Donor</b>	<b>Total Value</b>
Fianna Fáil	Mary Hoade	Galway West	Bridgemore Construction Management Ltd.	€300 received €100 excess returned
Fianna Fáil	Aoife Byrne	Wexford	Fianna Fáil Wexford	€1500 cheque received €500 excess returned
Fine Gael	James Reilly	Dublin Fingal	Denis Hartford	€1000 cash donation Awaiting confirmation that the excess amount was returned *status at 12 December 2016
Fine Gael	Joe O'Reilly	Cavan/Monaghan	Grant Thornton  Buddy Kiernan Milling	€667 received €467 excess returned  €667 received €467 excess returned
Non Party	Eoin Tierney	Dublin Bay South	Company name unknown	€400 cash received Awaiting confirmation that the excess was returned
Non Party	Jerry Cowley	Mayo	Mayo GP Society  Achill Pharmacy  Institute of Rural Health  Newport Pharmacy	€1000 received €800 excess returned  €300 received €100 excess returned  €2000 received €1800 excess returned  €1000 received €800 excess returned
Non Party	John Paul O'Shea	Cork North West	John Barrett	€2000 cheque received

				€1000 excess returned
Non Party	Tony Murphy	Dublin Fingal	Country Crest	€1000 (fundraising launch) €800 excess returned
The Green Party	Joe O'Brien	Dublin Fingal	Dublin Fingal Greens	€1000 cheque received €800 excess returned
The Green Party	Michael Fitzgerald	Kerry	Michael Gaffney	€1500 received €500 excess returned
The Green Party	Oisín Ó'hAlmhain	Dublin South Central	The Green Party	€500 cheque Awaiting confirmation excess donation was returned
The Labour Party	Carrie Smyth	Dun Laoghaire	The Labour Women's National Council	€1000 cheque received  Awaiting confirmation that excess donations were returned or register as a corporate donor *status at 12 December 2016
The Labour Party	Ciarán Lynch	Cork South Central	Paul Farrelly  Ian Kingston  Sean O'hUigin	€500 cash donation. €300 excess returned  €500 cash donation. €300 excess returned  €500 cash donation. €300 excess returned
Sinn Féin	Seamus Seán Morris	Tipperary	Communication Workers Union	€500 cheque received. €300 excess returned

## Appendix A

- Fine Gael was the biggest election spender **€2,768,881.50** (39% more than the next highest party Fianna Fáil with **€1,687,916.29**)
- Overall spend in general elections continues to fall down 9.5% from 2011 to **€8,394,832.89**
- Overall donations declared by candidates continues to fall down approximately 66% since 2011 to **€112,320.38** down from €285,618 (down approximately 46% from 2007 which was €531,380)
- Over **€2.6m** has been reimbursed to qualified candidates
- The Constituency with the biggest Election Agent spend was Tipperary (€263,133.33)
- The Constituency with the biggest National Agent spend was Roscommon Galway (**€32,806.01**)
- The Constituency with the biggest combined spend was Tipperary (€283,071.95)