

GUIDELINES FOR THE
**GENERAL
 ELECTION**
 TO THE 29TH DÁIL
2002

Standards in
 Public Office Commission

Frequently asked questions
 about donations and election
 expenses in relation to the
 Dáil general election

Comprehensive guidelines on donations and election expenses have been published by the Standards in Public Office Commission and are available on the Commission's website and in hard copy on request. Answers to other questions that may arise will be added to the website between now and polling day.

Q1 What is a donation?

A1 A donation is any contribution given for political purposes by any person. It includes a donation of money, property or goods; the free use of property or goods or a free supply of services.

Q2 What is the disclosure limit for donations?

A2 Any donation exceeding in value €634.87(£500) must be disclosed. If more than one donation is received by a candidate from the same source, the donations must be treated as a single donation for disclosure purposes.

Q3 When does a bank account have to be opened?

A3 As soon as a candidate receives a monetary donation of more than €126.97 (£100), he or she must open and maintain an account in a financial institution and lodge the donation to the account. Any further monetary donations, of whatever value, received by the candidate must also be lodged to the account. The account should be separate from any other personal or political account held by the candidate.

Q4 What donations may a candidate accept?

A4 The maximum value of donations which may be accepted by a candidate from the same donor in a particular calendar year, either directly or through an intermediary, is €2,539.48 (£2,000).

A candidate may not accept a donation of any kind or value from an individual (other than an Irish citizen) who resides outside the island of Ireland or from a company which does not keep an office in the island of Ireland from which the carrying on of one or more of its principle activities is directed.

A candidate is prohibited from accepting an anonymous donation exceeding a value of €126.97 (£100). In this context, anonymous means that the candidate does not know the name and address of the donor.

Q5 Is the supply of posters, leaflets, etc., to a candidate by a political party regarded as a donation to the candidate by the party?

A5 No, if the cost of the posters, etc., is borne by the party out of that part of the candidate's spending limit which has been assigned by the candidate to the party.

Neither is it a donation to the candidate by the party if the cost is borne by the party out of that part of the candidate's spending limit which has been retained by the candidate, where the funds being used were provided by the candidate, or raised specifically for the purpose of

supporting the election of one or more of the party's candidates in a constituency.

It is a donation if the party gives more than €634.87 (£500) in money to the candidate in relation to his or her election campaign, unless the money is from funds raised specifically for the purpose of supporting one or more of the party's candidates in the constituency.

Q6 Does a gift, exceeding a value of €634.87(£500), received by a candidate from a friend for personal reasons need to be disclosed as a donation?

A6 No, on the basis that it is a gift from a friend for personal reasons and is not a contribution for political purposes.

Q7 If a husband and wife donate €1,269.74 (£1,000) between them to a candidate does this have to be disclosed?

A7 Individual donations do not have to be disclosed unless the donations exceed a value, or an aggregate value from the same person, of €634.87(£500). If it is clear that each of the couple is donating €634.87(£500), the donations will not be disclosable.

Q8 Are proceeds from fund-raising events regarded as donations?

A8 Yes. If a candidate, or somebody on his or her behalf, organises a fund-raising event, the candidate is obliged to disclose any contribution made by a person to that event if the net contribution exceeds €634.87(£500) in value.

The net profit from an event is arrived at by deducting the cost of running the event from the total amount raised by the event. To arrive at the net value of each contribution, the net profit is attributed to each person in proportion to the contribution they made to the event.

Any monetary donations received by a candidate from a fund-raising event must be lodged to the political donations account of the candidate.

The expenses incurred in relation to a fund-raising event are not election expenses, even if the event is held during the election period.

Q9 How much can be spent on a candidate at the election?

A9 Total expenditure on a candidate at the election must not exceed €25,394.76 (£20,000), €31,743.45 (£25,000) or €38,092.14 £30,000, including VAT.

These limits apply to a three, four or five seat constituency, respectively, and include benefits in kind which must be accounted for as election expenses.

Q10 Who can incur election expenses, including benefits in kind, on behalf of a candidate out of that part of the candidate's spending limit which has been retained by the candidate, i.e. not assigned by the candidate to his or her political party?

A10 The candidate's election agent and persons who have been authorised by the election agent within specific limits set by the agent.

Q11 Who can be authorised by the candidate's election agent?

A11 An authorised person could be the candidate, the national agent of the candidate's political party, the local director of elections, an official of a local party organisation, etc.

Q12 Can the national agent of the candidate's political party incur expenses on behalf of the candidate out of that part of the candidate's spending limit which has been assigned by the candidate to the party?

A12 Yes, but the total spending on the candidate by and on behalf of the candidate's election agent and the national agent must not exceed the candidate's spending limit.

Q13 Can persons unconnected to a candidate or a political party incur expenses promoting or opposing a candidate or a political party at the election?

A13 Yes, if they notify the Standards in Public Office Commission of their intention to incur expenses at the election.

Q14 What are election expenses?

A14 Election expenses are all expenses for electoral purposes which are incurred on providing property, goods or services used at the election during the election period. This means expenses incurred on:

- (a) Advertising (whatever the medium used).
- (b) Publicity.
- (c) Election posters.
- (d) Other election material.

- (e) Office and Stationery.
- (f) Transport and travel.
- (g) Market research.
- (h) Campaign workers.

Q15 What is the election period?

A15 The election period is from the date of dissolution of the Dáil up to polling day, both dates included.

Q16 Is it necessary to account for election material which was purchased or acquired before the election period?

A16 Yes, if the material is used during the election period.

Q17 Does the cost of material which was purchased for the election but, for whatever reason, was not used during the election period have to be accounted for as an election expense?

A17 No, only the cost of materials used at the election during the election period has to be accounted for.

Q18 Does material which was accounted for previously in an Election Expenses Statement furnished to the Standards in Public Office Commission or a local authority have to be accounted for again?

A18 No.

Q19 Is there any allowance made for material which is being used during the election period which is not in new condition?

A19 Yes. However, you should contact the Standards in Public Office Commission before using this material.

Q20 Is a service provided to a candidate at an election by an individual in the employment of a political party considered to be an election expense?

A20 No, unless the person is receiving extra remuneration or other benefits over and above what he or she would normally receive for the service.

Q21 If a person allows the use of his or her home computer equipment or telephone in support of a candidate's election campaign, is this a donation or an election expense.

A21 No, unless the person is paid for the use.

Q22 If a person agrees to erect posters or distribute election material for a candidate, is this an election expense?

A22 If the service is rendered free by the person, including use of the person's motor vehicle, it is not an election expense or a donation. If payment is made to the person, it is an election expense.

Q23 What is the position relating to free use of a premises or a vehicle during the election period?

A23 If a candidate is given the free use of a premises or a vehicle during the election period it is not regarded as a donation or an election expense unless the provider is in the business of renting premises or vehicles. If the renting of premises or vehicles is, or is part of, the provider's work or business, the lending of the premises or vehicles is a donation which must be disclosed if the value exceeds €634.87(£500) and is also an election expense. If necessary, it is a matter for the candidate to establish the value of the free use of the premises or vehicle which should be based on the cost of renting or leasing similar premises or vehicles for the period in question.

Q24 What is the position if a candidate advertises his or her candidacy on a taxi?

A24 If the candidate is not charged for the advertising and advertising is not normally carried on the taxi, it is not a donation or an election expense. The following rules of thumb also apply:

- (i) if the candidate is charged for the advertising service, the cost incurred is deemed to be an election expense;
- (ii) if the advertising service is provided free and the vehicle does carry advertising in the normal course, the full commercial cost of the service provided is regarded as an election expense. It is also a donation which must be disclosed if the value is greater than €634.87(£500).

Q25 What is the position in relation to discounts on property, goods or services?

A25 Candidates and election agents should be aware of the nature and extent of any discount they are receiving. If a discount is not generally available, the full commercial price of the property, goods or services must be accounted for as an election

expense. If the value of a discount, which is not generally available, is greater than €634.87(£500), it should be disclosed as a donation.

Q26 What is the position regarding professionals involved in the election campaign?

A26 The value of a free service provided by a professional or other person involved in the election campaign is not a donation or an election expense if that person is engaged in an activity which is not their normal work or business.

If a person is involved in what is their normal work or business (for example, an accountant working on the finances of a campaign) and the purpose is to ensure compliance with the requirements of the legislation, the cost of that person's services, whether paid or not, is not considered to be an election expense or a donation to the candidate. The same applies to a service provided by any other person who is engaged in order to ensure compliance with the legislation.

Q27 Are travel costs incurred in an election campaign regarded as an election expense?

A27 Travel costs (including petrol or diesel) incurred by any person connected to a candidate's campaign are deemed to be election expenses if those costs are reimbursed to the person.

Q28 Is payment to a work replacement during the election period regarded as an election expense?

A28 No.

Q29 Are costs incurred after polling day for items such as removal of posters, count expenses and celebrations deemed to be election expenses?

A29 No, only expenses up to polling day are regarded as election expenses.

Q30 Are payments made to personation agents on polling day regarded as an election expense?

A30 No.

Q31 What is the position in relation to newsletters, local newspapers or national newspapers supporting a particular candidate or party. Is this an election expense?

A31 Costs associated with a newsletter, local or national newspaper, magazine or periodical which is promoting or opposing a political party or a candidate during the election period could be regarded as an election expense.

However, the legislation states that where the publication in a newspaper, magazine or other periodical or the broadcast on radio or television of news, reports, articles, features, editorial or other comments, including the publication of letters to the editor, is effected in the same manner as that of other material relating to issues of public interest or concern, and the newspaper, magazine or other periodical publication is not published for the purpose of promoting the interests of a political party or a candidate at the election, any cost associated therewith is not an election expense.

The legislation also states that its provisions should not be construed to prevent the lawful reporting of matters in relation to the election or "the lawful expression of opinion on any matter of public interest by any person".

Q32 What is the position in relation to buying drinks or meals for campaign workers?

A32 The cost of providing refreshments for a candidate or persons working voluntarily on behalf of a candidate is not considered to be an election expense. Neither is the cost of accommodation where this is required to be provided for a candidate or volunteer. Excluding the cost of accommodation, a sum of €20 (£15.75) per person per day has been set to cover refreshments.

Q33 What is the position in relation to the internet?

A33 Costs incurred in developing new websites or in adding to or enhancing existing websites which are used during the election period for the purpose of promoting a candidate, are election expenses.

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