

Explanatory note for Third Parties and Others 2009

Electoral Act 1997, as amended (the Act)

Definitions

A **third party** means any individual or group, other than a registered political party or election candidate, who or which accepts, in a particular calendar year, a donation exceeding the value of €126.97.

A **donation** means any contribution given for political purposes and includes all or any of the following:

- a donation of money,
- a donation of property or goods,
- conferring the right to use, without payment or other consideration, indefinitely or for a specified period of time, any property or goods,
- the supply of services without payment or other consideration therefor,
- the difference between the commercial price and the price charged for the purchase, acquisition or use of property or goods or the supply of any service where the price, fee or other consideration is less than the commercial price, or
- a donation received by way of a contribution made to the net profit from a fund-raising event organised for the benefit of a third party.

Political purposes means any of the following purposes, namely:

- (i)(I) to promote or oppose, directly or indirectly, the interests of a political party, a political group, a member of either House of the Oireachtas or a representative in the European Parliament, or
- (II) to present, directly or indirectly, the policies or a particular policy of a political party, a political group, a member of either House of the Oireachtas, a representative in the European Parliament or a **third party**, or
- (III) to present, directly or indirectly, the comments of a political party, a political group, a member of either House of the Oireachtas, a representative in the European Parliament or a **third party** with regard to the policy or policies of another political party, political group, member of either House of the Oireachtas, representative in the European Parliament, **third party** or candidate at an election or referendum or otherwise, or
- (IV) **to promote or oppose, directly or indirectly, the interests of a third party in connection with the conduct or management of any campaign conducted with a view to promoting or procuring a particular outcome in relation to a policy or policies or functions of the Government or any public authority;**

- (ii) to promote or oppose, directly or indirectly, the election of a candidate at a Dáil, Seanad or European election or to solicit votes for or against a candidate or to present the policies or a particular policy of a candidate or the views of a candidate on any matter connected with the election or the comments of a candidate with regard to the policy or policies of a political party or a political group or of another candidate at the election or otherwise;
- (iii) otherwise to influence the outcome of the election or a referendum or campaign referred to in paragraph (i)(IV) of this definition.

Registration

A third party must, on receipt of a donation exceeding the value of €126.97, and before incurring any expenses for political purposes, or any further such expenses, furnish to the Standards Commission -

- the name and address of the third party and the name and address of the person responsible for its organisation, management or financial affairs ("responsible person");
- a statement of the nature, purpose and estimated amount of donations to, and proposed expenses of, the third party during the year;
- an indication of any connection the third party may have with any political party or candidate at an election or referendum or otherwise.

Political Donations Accounts

Where a monetary donation in excess of €126.97 is received by a third party it must:

- open and maintain an account in a financial institution in the State;
- lodge the donation and any subsequent monetary donations to the account.

Not later than the 31st March each year, the responsible person of a third party is required to furnish to the Standards Commission a statement from the financial institution in which the account has been opened. The statement must specify the transactions that have taken place in relation to the account during the preceding year.

The responsible person must also furnish a certificate to the Standards Commission stating that all monetary donations received by the third party during the preceding year were lodged to the account and that all amounts debited from the account were used for political purposes. When furnishing the certificate the responsible person

will also be required to complete a Statutory Declaration that, to the best of the person's knowledge and belief, the certificate is correct in every material respect and that the person has taken all reasonable action in order to satisfy him/herself as to the accuracy of the certificate.

The Standards Commission will issue a Certificate/Statutory Declaration and a Form to the responsible person for this purpose.

Limits on Donations

A third party may not accept:

- a donation, or donations from the same person, in the same year exceeding an aggregate value of €6,348.69;
- a donation, of whatever value, from an individual (other than an Irish citizen) who resides outside the island of Ireland;
- a donation from a body corporate or unincorporated body of persons which does not keep an office in the island of Ireland from which one or more of its principal activities is directed;
- a donation exceeding the value of €126.97, if the name and address of the donor are not known.

IT IS AN OFFENCE TO FAIL TO COMPLY WITH ANY OF THESE REQUIREMENTS.

For further information please contact The Standards in Public Office Commission at 18 Lower Leeson Street, Dublin 2. Telephone Number (01) 6395666, Facsimile (01) 6395684 and e-mail sipo@sipo.gov.ie or alternatively you can contact any of the people listed below:

Desmond O'Neill	(01) 6395622
Jacqueline Moore	(01) 6395718
Pádraig Grant	(01) 6395719
Frank Forde	(01) 6395708