

Section 1 INTRODUCTION

This document, concerning the Electoral Acts, 1997 to 2002 (the Electoral Acts), has been prepared by the Standards in Public Office Commission (the Standards Commission) in response to an invitation by the Minister for the Environment, Heritage and Local Government (the Minister) to furnish views on the experience of the Standards Commission *"with the current legislative provisions, especially in relation to the 2002 general elections to the Dáil and Seanad"* .

The Standards Commission is an independent statutory body chaired by a Judge of the High Court, The Hon. Mr. Justice Matthew P. Smith. The other members are the Comptroller and Auditor General, Mr. John Purcell, the Ombudsman, Ms. Emily O'Reilly, the Clerk of Dáil Éireann, Mr. Kieran Coughlan, the Clerk of Seanad Éireann, Ms. Deirdre Lane, and a former member of Dáil Éireann, Mr. Liam Kavanagh, MCC.. The Standards Commission was established in December 2001 under the Standards in Public Office Act, 2001. It assumed all of the functions of its predecessor, the Public Offices Commission.

As well as its functions under the Ethics in Public Office Acts, 1995 and 2001, the Standards Commission is responsible for supervision of the operation of the Electoral Acts in so far as they relate to political donations, election spending and direct Exchequer funding of qualified political parties. The Standards Commission also has a supervisory role under the Oireachtas (Ministerial and Parliamentary Offices) (Amendment) Act, 2001, in relation to the Party Leaders Allowance scheme.

The electoral legislation was introduced in 1997 and has since been amended on four occasions, i.e. 1998, 2001 and twice in 2002. The Standards Commission welcomes the broad review which is now taking place and particularly welcomes the Minister's invitation to comment on the operation of the legislation.

As stated above, this document has been prepared by the Standards Commission in response to an invitation received from the Minister. The Standards Commission considers it to be of particular importance that, as the body with responsibility for supervising the Electoral Acts, it should have a statutory basis on which to review the legislation and report on its findings. It would not be unusual that such authority would be vested in a supervisory body like the Standards Commission whereby it could, from time to time, as required, furnish its comments in the appropriate manner thereby assisting in the further development and refinement of the legislative framework. The Standards Commission would recommend the introduction of a legislative amendment to this effect which would enable it to discharge this reporting function with statutory authority as already is the case in a number of other instances including the Human Rights Commission and the Office of the Information Commissioner.

In preparing this document, the Standards Commission has been particularly

conscious of the fact that it is a matter for the Oireachtas exclusively to determine the nature and content of legislation. In that regard, it will be noted that the Standards Commission itself was established by an Act of the Oireachtas and that its annual report and other statutory reports are required to be laid before both Houses.

It is not a function of the Standards Commission to comment on policy issues arising in relation to the legislation. While recognising that a key recommendation, as outlined above, is that a statutory review mechanism as sought would be provided, the Standards Commission nevertheless feels that in this document, for the sake of completeness and in the interests of facilitating the review process, it should, as well as dealing with operational matters, outline its views on what it sees as the fundamental principles underlying the legislation.

Through its own research and ongoing contacts with individuals and organisations in other jurisdictions, and with bodies which have an international remit, the Standards Commission is aware that, in relation to political funding in the widest sense, the model now existing in Ireland, as outlined in the Electoral Acts, is well regarded as reflecting good practice in terms of control, supervision and transparency.

Section 2 GENERAL COMMENTARY

The Standards Commission understands the Electoral Acts to have three main purposes as follows :

1. to provide openness and accountability in the relationships that exist between, on the one hand, political parties and individual politicians and, on the other, those who would support them, whether by way of financial assistance or otherwise;
2. to provide equity and transparency in the electoral process through the limitation and disclosure of election expenditure and by providing a mechanism whereby eligible candidates may recoup part of their election expenses;
3. to provide for Exchequer funding of qualified political parties to assist in their general organisation, development and operation.

It is broadly accepted that, for the proper functioning of a parliamentary democracy, it is necessary that political parties should exist and thrive, supported by the State, acting as a vehicle of political expression for citizens.

Apart from elected representatives and paid headquarters staff, it is generally the case that political parties are comprised of members who give of their time freely in the interests of soliciting support for a party and promoting its objectives.

Political parties and individual political activists must be enabled to communicate with the electorate and must be in a position to maintain their organisations and develop policies on a wide range of issues which impact on many aspects of everyday life. In order to do so, it is essential that they should have sufficient resources, including, very importantly, adequate funding.

Political funding can take a number of different forms. These include :

- membership fees paid to political parties and other political groups,
- direct assistance from the Exchequer, the cost of which is met by the taxpayer,
- donations by individuals, corporate entities and other bodies,
- fund-raising activities and,
- to a lesser extent, involvement by political parties in commercial activity.

It should be noted that, in this jurisdiction, direct Exchequer funding of qualified political parties, which now amounts to approximately €10.4 million annually, cannot be used to finance election or referendum campaigns. This is an important point in the context of the need to raise funds from other sources in order to fund such campaigns.

The extent to which political activity should be supported in the form of Exchequer

funding of political parties and candidates is a matter for the Oireachtas. (Funding of candidates arises by way of reimbursements of certain election expenses which are paid by the Exchequer to qualified candidates at Dáil and European Parliament elections.)

There is a view that public money should not be used for these purposes in any circumstances and / or that those taxpayers who have a particular political affiliation, or none, should not be expected to contribute, albeit indirectly, to the advancement of a political cause to which they hold no allegiance. The opposite view is that political funding should be entirely from the public purse and that all other forms of financing, including benefits in kind, should be prohibited.

Another approach, which has international approval *, is for a mix in the sources of funding, accompanied by clear rules and reporting mechanisms to ensure that public money is allocated on an equitable basis and is utilised for the purposes intended and that donations and election spending are controlled and supervised.

As already stated, the Standards Commission is not in a position to determine the content of legislation. It is, however, of the view that the system which has been operating under the Electoral Acts is now well established and strikes a reasonable balance in terms of recognising the need for financing of political activity and the requirement for openness, accountability and transparency. Not unexpectedly, there are difficulties with some aspects of the current regime and many of these are dealt with in Sections 3 and 4 of this document. In that regard, it should be recognised that the Standards Commission can offer views from its perspective and experience only. It fully accepts that other stakeholders may wish to comment on problems they have encountered with the legislation, including, perhaps, supervision thereof by the Standards Commission.

** See "Council of Europe. Recommendation Rec (2003) 4 of the Committee of Ministers to member states on common rules against corruption in the funding of political parties and electoral campaigns". Adopted by the Committee of Ministers on 8 April 2003 at the 835th meeting of the Ministers' Deputies.*

Section 3 OVERVIEW OF MAIN PROVISIONS

Political Donations

In relation to the statutory requirements applying to donations, the Standards Commission is not aware that the disclosure obligations attaching to individuals and political parties are a cause of difficulty. What constitutes a donation is defined in the legislation and is spelt out in detail in the guidelines published by the Standards Commission. It would appear to be a routine matter to keep an account of donations received over the disclosure thresholds and to record such receipt in an annual donation statement. The same might be said in relation to opening and maintaining a political donations account. The provisions which prohibit acceptance of foreign donations and donations over specified values are very straightforward and do not seem capable of giving rise to misunderstanding.

As things stand, the value of donations above which disclosure must be made by TDs, Senators, MEPs, candidates at Dáil, Seanad and European Parliament elections and agents at presidential elections is **€634.87**. The limit above which donations must not be accepted from the same donor in the same year, or by the same candidate in relation to an election, is **€2,539.48**.

The corresponding amounts for political parties are **€5,078.95** and **€6,348.69**, respectively.

For the purpose of both the disclosure thresholds and the limits, all donations made by the same donor in the same year must be aggregated and treated by the recipient as a single donation. A Donation Statement is required once a year from TDs, Senators, MEPs and political parties. Unsuccessful candidates at Dáil, Seanad and European Parliament elections and agents at presidential elections must submit their Donation Statements not later than 56 days after polling day.

By way of comparison, it may be of interest to know that, in the United Kingdom, there are no upper limits on the value of donations that may be accepted by a political party or MP. However, donations can only be accepted from 'permissible donors', i.e., organisations and individuals registered in the UK. Effectively, foreign donations cannot be accepted.

Political parties are required to report details of the following donations:

- donations of more than £1,000 made to an accounting unit (e.g. a branch) of the party;
- donations of more than £5,000 made to the party headquarters;
- donations of more than £1,000 made to the party headquarters by anyone who has already made a donation in the same year;
- donations of more than £5,000 made to different sections of the party;
- any donations from impermissible or unidentifiable sources.

Parties must submit four quarterly donation returns every year within 30 days of the end of each calendar quarter (Jan-Mar, etc.).

MPs are required to report any donations of more than £1,000, or any impermissible or unidentifiable donations. These reports must be submitted within 30 days of the date on which the donation was accepted or returned. In addition, MPs are subject to separate disclosure requirements in relation to the Register of Members' Interests.

The Standards Commission considers it to be hugely important that details of donations received are required to be disclosed and that access to this material should continue to be widely available. This is vital in ensuring accountability and transparency. As well as providing information which is in the public interest, it enables informed questions to be raised about the sources of donations or, perhaps, the appropriateness of accepting specific donations. Such scrutiny, which is to be welcomed, has certainly been a feature of the process, particularly on the part of the media, in the period since the commencement of the legislation.

There are serious criminal sanctions for those who would furnish to the Standards Commission a donation statement, or other statement required under the legislation, which is knowingly false or misleading in any material respect. This, of itself, should, in most cases, act as a deterrent were such action to be contemplated. Of course, notwithstanding the penalties, there is no system which would claim to guarantee that all donations which fall to be disclosed will actually be disclosed. To a great extent there must be reliance on the integrity of the individual or political party whose obligation it is to comply with the statutory requirements. However, it can be assured that the matter would be pursued, in accordance with the terms of the legislation, if evidence of non-compliance in this or any other serious matter was obtained by, or brought to the attention of, the Standards Commission.

It is a matter for the Oireachtas to decide whether the disclosure thresholds for donations are set at the appropriate level, whether the prohibitions referred to are reasonable and whether the requirement to open and maintain a political donations account is necessary. The Standards Commission recognises the need to strike a proper balance between, on the one hand, ensuring public confidence in the integrity of the political process and, on the other, avoiding the creation of a system which is overly bureaucratic and which could act as a disincentive to those who would wish to participate.

In the interests of preserving the reputation of the current legislative regime, the Standards Commission would suggest that, in the event of it being proposed to increase the limits applying to acceptance of donations, careful attention would be given to avoiding a position where, in the estimation of the ordinary citizen, the new limits are excessive or are perceived as defeating the original intent and purpose of the legislation.

Political Donations Accounts

The Standards Commission is of the view that consideration ought to be given to the provisions of the legislation which require the opening and maintaining of a political donations account and, in particular, the supporting documentation which is required to be furnished.

The Standards Commission provided preliminary observations on this matter in its report to the Ceann Comhairle in October 2002 which dealt with the disclosure of donations by unsuccessful candidates at the Dáil general election. Further observations were provided in a report to the Ceann Comhairle in January 2003. Copies of both reports were laid before the Houses and were furnished to the Minister. In summary, the Standards Commission would agree that a person accepting monetary donations should be required to open and maintain a political donations account and that the monies withdrawn from the account should be used for political purposes only. The Standards Commission would also agree that, when furnishing a donation statement, a person should confirm whether or not they were required to open a political donations account and, if so, should certify that monetary donations had, as appropriate, been lodged to that account and that withdrawals from the account were used for political purposes.

The Standards Commission would, however, question whether it is necessary that a person should, as a matter of course, be required to forward a statement from the financial institution specifying the transactions that have taken place in relation to the account during the period in respect of which the person is making the return. Given that the completion of a Certificate of Monetary Donations / Statutory Declaration form is confirmation by the person that he / she has complied with the requirements of the legislation regarding the opening and maintenance of a political donations account, the Standards Commission does not see, apart from providing further confirmation that the account has been opened, what purpose the statement from the financial institution serves. In any case where it is required, the Standards Commission has the statutory authority to obtain a copy of the relevant statement.

Some further comments relating to the specific provisions of the legislation dealing with political donations accounts are provided in Part 4 of this document.

Election Spending

The limits on election spending which are provided for in the legislation have been the subject of much discussion, particularly in relation to the 2002 Dáil general election. This was the first general election to be held since the provisions in question came into effect. They had applied previously at the several Dáil bye elections which took place in the period from 1998 to 2001 and at the European Parliament election in 1999. Not unexpectedly, some difficulties were encountered in dealing with the new control and reporting requirements. A strict discipline was necessary on the part of participants to ensure that the legal obligations relating to election spending were complied with. For most, this would not have been a feature at previous elections in which they were involved. The learning factor applied not only to candidates and agents but also to the Standards Commission itself. It is hoped that the experience gained will be of benefit to all concerned and that many of the problems which emerged will not arise again in the future.

As is the case with donations, the legislation clearly sets out the items which fall within the definition of election spending. The legislation also prescribes how, and by whom, election expenses may be incurred on behalf of candidates and political parties. Within this structure, there is no reason why serious difficulties should be encountered by either election agents or national agents who are statutorily responsible for controlling and accounting for election spending.

The view expressed in the previous paragraph is predicated on there being broad acceptance of, and respect for, the role of agents and that candidates and political parties, at national and local levels, do not usurp that role by failing in one way or another to co-operate with agents. At the Dáil general election there was some evidence of poor levels of communication between agents, candidates and political parties. In a number of cases it was clear that there was a lack of appreciation of the legislative responsibilities attaching to agents. It is presumed that this was reflective of the fact that the election was the first occasion on which many of the participants had experienced the new controls which, as already stated, would not have applied at previous elections in which they were involved. It must be understood that election agents and national agents are pivotal to the successful implementation of the new regulatory regime. They should not, in any circumstances, be regarded, or treated, as having a peripheral or insignificant role to be dictated by the candidate or political party or, indeed, by local or national directors of elections.

In terms of providing clarity in matters such as what constitutes a donation or an election expense, an important feature of the legislation is the statutory obligation attaching to the Standards Commission to give advice in these areas, if such is requested. In an election situation, no matter how precise the legislation is or how detailed the guidelines are, there will always be occasions when a doubt arises in relation to a particular issue. The Standards Commission has responded to numerous requests for advice both during election campaigns and at other times. This advice service is available to all of its clients and, hopefully, those who have availed of it will feel that their query was dealt with courteously and effectively. With the benefit of practical experience, the guidelines published by the Standards Commission will continue to develop in terms of content and relevance so that they

become more user friendly.

Election Spending Limits

One of the purposes of the spending limits at elections is to provide equity in the electoral process. Given that some candidates and political parties have greater resources than others, it cannot, of course, be said that this is fully achieved. Many candidates, and some of the smaller parties, simply are not in a position to incur expenditure which is even close to the limits and this will always be the case. In considering the levels at which spending limits have been set, there is a need to examine the consequences of any increase in limits. This arises both in terms of creating, as far as possible, a level playing field for all candidates and parties and from the point of view of what is achieved if higher expenditure is permitted.

Based on feedback from many election agents and national agents at the Dáil general election, the Standards Commission is not aware that the current limits caused a particular difficulty for any party or candidate in the context of their being able to deliver a meaningful campaign. In that regard, the point has been made that the 2002 election was somewhat unique in the sense that there was broad awareness of when the election would be held which presented an opportunity for parties and candidates to engage in widespread canvassing prior to dissolution of the 28th Dáil. This matter is discussed further, later in this document.

In the appendix to this document an analysis is provided of the extent to which spending limits available to parties and candidates at the Dáil general election were used. It will be noted that the limits were not reached by any of the ten parties with candidates standing at the election. The same applied to spending by independent non-party candidates. The figures in the appendix differ from those published previously to the extent that they exclude the value of facilities used at the election where the costs were met out of public funds.

If limits are increased, it will almost certainly be the case that the level of campaigning will grow in line with that increase, as will the gap between those, both individuals and parties, who are in a position to incur higher levels of expenditure and those who are not. Assuming a direct positive correlation between election spending and electoral success, as is suggested by recent published research findings*, it seems to the Standards Commission that, once a reasonable level of spending has been set, which, under the legislation, is capable of being increased in line with the CPI, all participants at the election have, as far as is possible to attain, the same opportunity to attract voter support.

The central question to be addressed is whether the current spending limits, approximately **€25,000, €32,000 and €38,000 per candidate** in three, four and five seat constituencies, respectively, which include any amounts assigned to a national campaign, are reasonable and adequate for the purpose. In dealing with this issue it is important to consider the matter of equality between different parties and

* See "A FISTFUL OF EUROS : CAMPAIGN SPENDING EFFECTS UNDER THE SINGLE-TRANSFERABLE VOTE ELECTORAL SYSTEM". Kenneth Benoit and Michael Marsh, Trinity College, University of Dublin, 13 October 2003.

candidates in terms of their ability to raise funds to contest an election. It is also important to consider whether having higher limits creates unwelcome additional pressures on all candidates and political parties to raise more funds with the attendant possibilities that adequate attention is not paid to the sources of the funds or that examination of the motives of those who would be donors is not afforded sufficient priority. It is recognised internationally that having election spending limits in place is an important factor in fighting corruption and safeguarding the integrity of the electoral process.

Assignments by candidates to political parties

An issue which caused some confusion and concern during the general election was the matter of candidates assigning part of their individual spending limits to their political party. Unlike other provisions which are time specific, the legislation does not prescribe when this should happen. Nor does it prescribe the format of an assignment except that it should be in writing and made by the candidate. It would be reasonable to expect that the assignment would be made before any expenditure is incurred so that the candidate's election agent and the national agent of the political party are clear, in advance, of where they stand in relation to spending at the election. In many cases, however, the assignments were made, or amended, during the course of the campaign or even at a later date. There is no great difficulty with this once an overspend in respect of a particular party or candidate does not result. If such an overspend did occur, the assignment would be an important document in determining which of the national agent or the candidate's election agent was responsible.

In the interests of clarity and to remove the potential for error which does exist with the present system, it might be worth considering whether an amendment to the legislation would be beneficial. This might involve specifying a point in time at which the assignment must be made and providing that subsequent alteration to the assignment is not permitted. It might also be required that a copy of the written assignment would be furnished to the Standards Commission with the election spending statement. It may, of course, be the case that the legislature intended that the making of an assignment would not be time specific to allow flexibility in spending during the course of an election campaign so that particular exigencies could be dealt with between parties and their candidates as the campaign progressed.

As an alternative to the present statutory arrangement whereby spending at an election by the national agent of a political party is dependent on assignment of part of their individual limits to the party by its candidates, the Standards Commission is aware of a view that a separate spending limit should be set for the national agent of a political party based, perhaps, on the number of candidates standing for the party at an election.

If this latter approach was to be adopted, and if it is accepted that overall spending at an election should be maintained at its present level, it would follow that there would be a corresponding decrease in individual candidate limits across the board. There would be nothing fundamentally different about this when compared to the current position unless, of course, a separate spending limit was to be introduced for

political parties without there being a corresponding reduction in candidate limits. It might, however, be unacceptable to candidates that each of them would, in effect, be required to assign to the party the same proportion of what would have been their spending limit whereas, at present, the candidate has, legally, absolute discretion in terms of the portion, if any, to be assigned. The reality is, of course, that candidates of political parties, although they are legally entitled to refuse to make an assignment, in practical terms are required to do so. The experience has also been that political parties, for strategic reasons, have sought greater assignments from some candidates than from others.

If the arrangement above was to be introduced, an issue which would require to be addressed is the position of non-party candidates who, as a consequence, would have lower spending limits than at present and would, in equity, be entitled to a higher limit than party candidates to compensate for the fact that they would not benefit from a party campaign.

The legal and/or Constitutional implications of different candidates having different spending limits might require to be explored.

Commencement of the election period

Another aspect of the legislation which may require to be reviewed is the matter of when the election period actually commences and what expenditure is required to be accounted for. There was much comment about this during and after the Dáil general election, some of which was, to say the least, not very well informed. In examining this question it should be borne in mind that the periods between elections are not fixed and have shown considerable variation in the past two decades.

The broad position is that the election period commences once the Dáil has been dissolved and ends on polling day. Account must be taken of any expenditure incurred, at any time, on property, services or facilities which are used for election purposes **during this period**. Importantly, this includes expenditure incurred **prior** to commencement of the period on property, services or facilities **which are used during the period**. An example of this would be election posters which were purchased prior to dissolution of the Dáil and were used during the election period. Account must be taken of such use as part of the spending limit. The only circumstances in which the expenditure involved would not be reckonable as election spending would be if there was no use of the posters during the election period. This could arise if the posters were erected **and removed** prior to dissolution of the Dáil and were not used again during the election period which is an unlikely scenario.

The question to be addressed is whether expenditure on activity of an electioneering nature which occurs **prior to dissolution of the Dáil** and does not carry over into the election period should be regarded as election spending. There was ample evidence of such activity in the weeks and months leading up to the Dáil general election. Typically it involved candidates distributing literature, placing newspaper advertisements, etc., indicating that they would be standing and seeking voter support at the election. Political parties engaged in similar enterprise. Given the

level of debate and comment around this issue and the potential for such to fundamentally undermine the perceived effectiveness of the legislation, the Standards Commission is of the view, as previously expressed by the former Public Offices Commission, 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.

In this regard, the Standards Commission is fully aware of the difficulty in attempting to differentiate between what would be seen as normal representational activity prior to an election being called and what could be regarded as electioneering. If there is to be a legislative response in this matter, it is felt by the Standards Commission that the only practical approach, which would ensure clarity and offer some possibility of effective monitoring, would be to regard as election expenditure, which is covered by the limits, all expenditure incurred on any activity within the specified period which could reasonably be construed as intended to elicit support at the election for a candidate or political party. It is appreciated that this would require a record of expenditure being maintained for, say, a rolling three or six month period so that, if necessary, it could be accounted for by the relevant agent after the election. Once the three or six month period had expired in relation to a particular item of expenditure and the Dáil had still not been dissolved, the record in respect of that item would no longer require to be retained. It would also be necessary to ensure that expenditure on electioneering activity in the period prior to dissolution did not exceed the spending limit at the election or did not cause the limit to be reached prior to dissolution with the result that no expenditure would be permitted during the actual election period.

Notwithstanding the criticism of the present legislative position, the Standards Commission is aware that the approach outlined above has given rise to operational difficulties in other jurisdictions. Accordingly, extreme caution would require to be exercised in developing any proposals in this regard. The worst possible outcome would be the imposition of a regime which is extremely difficult, if not impossible, to supervise and which could lead to the legislation being brought into disrepute.

On a related issue, it will be noted from the Annual Report of the Standards Commission for 2002 that complaints were received from members of the Houses about what were described as high profile campaigns being conducted by Ministers relating to matters falling within the remits of their various Departments. The complainants were concerned that there was systematic spending of large amounts of public money by the Government to boost the political profiles of Ministers and Ministers of State in advance of the general election together with widespread and sustained use of personalised advertising by Ministers and Ministers of State, all of which was funded from the Exchequer.

In relation to the above, it might be noted that the Code of Conduct for Office Holders, drawn up by the Government in consultation with the Standards Commission and published in July 2003, addresses the matter in the following terms:

"Office holders are provided with facilities at public expense in order that public

business may be conducted effectively. The use of these facilities should be in accordance with this principle. Holders of public office enjoy an enhanced public profile and should be mindful of the need to avoid use of resources in a way that could reasonably be construed as an inappropriate raising of profile in the context of a General Election.

Official facilities should be used only for official purposes. Office holders should ensure that their use of officially provided facilities are designed to give the public value for money and to avoid any abuse of the privileges which, undoubtedly, are attached to office."

Under the Standards in Public Office Act, 2001, the Code of Conduct is admissible in proceedings before a Court or other tribunal or a Committee or the Standards Commission and any relevant provision may be taken into account in determining a matter.

Exchequer funding of political parties

In 2002, direct Exchequer funding of political parties under the Electoral Acts and the Party Leaders Allowance scheme amounted to €10.4 million. The specific uses to which the funding can be applied are outlined in the legislation and they exclude spending in relation to elections or referenda. Generally speaking, the funding can be used for the organisation of party structures and for activities such as policy development, research, etc. An account of how the funding is used must be provided each year to the Standards Commission and must be accompanied by an auditor's report. This material is available for inspection by the public.

There is reference earlier in this document to the need for equity in how Exchequer funding of political parties is determined. Under the Electoral Acts, a party qualifies for funding based on the votes obtained by its candidates at the last preceding Dáil general election. They must have obtained at least two percent of the total first preference votes. At present, six parties qualify on that basis, i.e. Fianna Fáil, Fine Gael, Labour Party, Sinn Féin, Progressive Democrats, Green Party.

Funding under the Party Leaders Allowance scheme is dependent on a party having at least one TD or Senator elected or nominated. The six parties mentioned above, together with the Socialist Party, qualify for funding under that scheme as do independent members of the Dáil and Seanad.

An issue which has been raised with the Standards Commission relating to the foregoing is the position of new or smaller political parties which do not meet the current criteria for funding. Included under this heading are seven political parties which are registered in the Dáil Register of Political Parties.

It has been argued that, in the interests of equity and democracy, financial assistance should be available to support the operation and development of less prominent political organisations which would allow them to participate in a meaningful way in the political process. It is not suggested that public money would be disbursed to all and sundry who would claim to be bona fide political entities. It is, however, contended that a basis could be found on which to expand the parameters for funding beyond the current beneficiaries. This might be achieved by setting aside a specific sum with suitable controls, as already exist for the qualified parties, being put in place to ensure that the funding was fully accounted for and was used for its proper purpose.

Use of facilities paid for out of public funds

In this document, the Standards Commission does not intend to deal with the matter of use of facilities at an election where the costs are met out of public funds. At the time of writing, this is an issue in court proceedings. The Standards Commission is, however, of the view that the matter should be addressed urgently within the Houses of the Oireachtas, Government Departments and Offices and other public bodies where use of such facilities for election purposes might have occurred.

Third Parties

The Standards Commission has concerns about the effectiveness and scope of the provisions of the legislation relating to third parties. It understands the purpose of these provisions to be that politically active individuals or organisations would be subject to controls which are comparable to those applying to others who are covered by the legislation.

The legislation defines a third party as a person, other than a registered political party or a candidate at an election, who accepts, in a particular year, a **donation** the value of which exceeds €126.97.

Third parties must register with the Standards Commission. They are prohibited from accepting foreign donations and donations valued at more than €6,348.69. They must open and maintain a political donations account if they receive a **monetary** donation of more than €126.97. They must report annually to the Standards Commission in relation to the political donations account. Unlike political parties, parliamentarians and election candidates, third parties are not required to disclose the nature, value or source of their donations.

A donation, which can be money, property, goods or services, means **any contribution given for political purposes**. The definition of political purposes contained in the legislation is extremely wide and includes, inter alia,:

"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 of the Government or any public authority."

The definition also refers to influencing the outcome of an election, a referendum or a campaign as described above.

Because the definition of political purposes is so wide it may, unintentionally, cover, on an ongoing basis, any of the following:

- local bodies such as Tidy Towns Committees, Residents / Tenants Associations, Community Organisations, etc.,
- organisations such as Trocaire, Amnesty International, Threshold, the Society of St. Vincent de Paul, An Taisce, Credit Union Movement, Comhdháil Náisiúnta na Gaeilge, etc.,
- representative associations such as ICTU, IBEC, ISME, IFA, USI, etc.,
- other interest groups such as those representing vintners, lawyers, hoteliers, teachers, accountants, builders, doctors, nurses, etc.

The list is far from exhaustive. It is highly likely that, in conducting their day to day business, any of the above could be involved in activity which would fall within the

definition of political purposes in that they would be attempting to promote or procure a particular outcome in relation to a policy or policies of the Government or any public authority, including a local authority. If a donation exceeding €126.97 was received in support of that activity, they would be regarded as third parties and would be required to comply with all of the relevant provisions of the legislation.

The Standards Commission doubts if it was the intention of the legislature that such bodies, in conducting their ordinary affairs, could find themselves covered by the legislation. It would, of course, be a different matter if any of them became involved in campaigning at an election or referendum in which case they should, and would, be covered.

Definition of political purposes

In the context of what is stated above, it would be useful to examine the definition of political purposes to determine the extent of its application beyond elections and referenda.

It is recognised by the Standards Commission that, apart from bodies such as those mentioned above which, perhaps, should not be covered in conducting their normal activities although, strictly speaking, those activities fall within the current definition of political purposes, there are other groups which, from time to time, may include some of those mentioned above, who are involved in campaigns of a highly political nature where the legislation should apply. In that regard, the Standards Commission is mindful of the difficulty in attempting to legislate for inclusion of certain groups to the exclusion of others and in attempting to include certain groups at particular times depending on the nature of the activity being undertaken by them at the time.

Receipt of a donation for political purposes

A connected issue is that of establishing whether or not a group received a donation for political purposes. Many organisations, which operate on a permanent basis, have broad agendas or remits which are relevant to a particular sector of the population or have an international dimension. They would argue that activities in which they are involved are financed from their general funding, whatever form that might take, and that monies received are not specifically related to a particular issue. In many cases they would also argue that their activities are not political.

Given that the legislative determinant of whether a group is a third party is receipt by the group of a donation given for political purposes and that political purposes has a very wide meaning, it is difficult to see, short of questioning the intentions of every donor, how it is possible to distinguish between donations given for political purposes and monies given to fund the general activities of the group. A typical example would be a standing organisation which is primarily engaged in promoting the interests of a certain group in society and which seeks contributions from the public on an ongoing basis. The organisation might decide to engage in a one off campaign of opposition to a proposal of Government or a public authority which it considered to be damaging to the well-being of its constituency. If the organisation received financial, or other, support, valued at more than €126.97, either before,

during or after mounting such a campaign is it the case that such support is to be regarded as a political donation and, therefore, that the organisation is a third party. In case of doubt, is it incumbent on the organisation, or, perhaps, the Standards Commission, to enquire of a benefactor as to the purpose in giving the support.

This is a real difficulty in supervising the legislation. It would be useful if it could be addressed in conducting the review. It is suggested that, instead of concentrating on receipt of a donation, an alternative approach might be to focus, as in the case of elections, on spending by individuals or groups and to regard them as third parties if they intend to incur expenditure over a certain threshold, say €5,000, in relation to a campaign which is for political purposes as defined in the legislation.

Registration requirements

The registration requirements for third parties are similar, but not exactly the same, as the registration requirements relating to persons who intend to incur expenses promoting or opposing a candidate or political party at a Dáil or European Parliament election. If a group received a donation valued at more than €126.97 for the purpose of supporting a party or candidate at an election and also intended to incur expenses for that purpose at the election it would be necessary for the group to register as a third party having received a donation for political purposes and, separately, to register for the purpose of incurring expenses at the election. There are many examples of where this has occurred. The process would appear to be overly bureaucratic and could be simplified by amalgamating both registration requirements.

It should be noted that, as the legislation stands, a person, which could include an individual or an organisation, who does not receive a donation and who proposes to incur expenditure at a referendum is not required to register at all with the Standards Commission.

Continued existence of third parties

The legislation provides that, not later than 31 March **in every year**, in relation to a political donations accounts which may have been opened several years previously, the responsible person of a third party must furnish to the Standards Commission a statement from a financial institution, together with a certificate of monetary donations. This would seem to presume that once a third party is established, it will remain in existence as a third party for all time.

In practice, third parties tend to be either standing organisations which decide to become involved in a particular campaign, or groups which are established for a definite purpose, e.g. to influence the outcome of a referendum or a general election, and do not continue in existence thereafter. (The vast majority of the third parties which have registered with the Standards Commission to date did so in relation to either the referenda on abortion or on the Nice Treaty or the Dáil general election.)

The approach taken by the Standards Commission in this matter has been to ask third parties to confirm whether or not they intend to continue in existence. If they do

not, there will be no further contact made with them. However, a strict interpretation of the legislation might suggest that once a third party has registered in the first instance, even though it is no longer active for political purposes, as described in the legislation, it is still required to furnish documentation to the Standards Commission every year. This situation might be addressed and clarified.

Section 4 **SPECIFIC PROVISIONS FOR REVIEW**

In this section of the document, the Standards Commission suggests a number of technical amendments which might be made to the legislation. As a general point, it is recommended that all monetary amounts should be converted to Euro values and rounded.

PART I PRELIMINARY AND GENERAL:

Section 3

Provide a reference to sections 23C and 48C and delete the reference to section 72.

Section 4(1)

Provide for the consideration of notifications of prohibited donations under **sections 23A, 24A and 48A** and for the consideration of statements from financial institutions and certificates of monetary donations furnished under **section 23B (5) and 48B (3)**. Delete the reference to regulations made under section 72.

Section 4 (3)

Provide for the consideration of contraventions relating to notifications of prohibited donations under section 23A, 24A and 48A of the Act.

Section 4 (4)

Provide an offence and penalty for failure to comply with a request from the Standards Commission under this section.

**PART III PAYMENTS TO POLITICAL PARTIES AND
REIMBURSEMENT OF ELECTION EXPENSES OF
CANDIDATES:**

Reimbursement of election expenses:

Section 21.

Provide in section 21(d) that a reimbursement may not be paid to a candidate of a political party unless and until the Election Expenses Statement of the party's national agent has been received and the Standards Commission has certified to the Minister for Finance that the relevant details in relation to that candidate are correct.

PART IV DISCLOSURE OF DONATIONS:

Section 22(2)(aa)

- a) The definition of 'candidate' in section 22(2)(aa) of the Act appears to exclude a person who is nominated in the period between the date of movement of the writ and close of nominations. (A different definition of 'candidate' is provided in section 27.)
- b) Provide that the definition of 'institution' include credit unions.
- c) The definition of "third party" could be interpreted to include a TD, Senator or MEP, i.e. only political parties and candidates at an election are excluded.

Section 22(2)(b)

- a) Provide that expenditure incurred by a political party on a candidate's behalf at a local election will not be regarded as a donation.
- b) Provide that the repayment of election expenses by a candidate to his / her political party shall not be regarded as a donation to the party, to the extent that the amount repaid does not exceed the amount of money spent by the party on the candidate at the election.

Section 23

Specify that accounting units may not accept anonymous donations.

Section 23A (1)(f)

Specify that donations from the same donor in the same year to a political party **and** each of its accounting units are subject to the maximum limit of €6,348.69.

Section 23A (5)(b)

Provide that where prohibited donations are notified and remitted to the Standards Commission under this section, a copy of the notification shall be laid before both Houses of the Oireachtas and the amount remitted shall be disposed of in accordance with the directions of the Minister for Finance.

Section 23B (1)

Provide in this section for the use of an existing political donations account.

Section 23B (2)

Provide an offence and penalty for failure by the appropriate officer of a political party to notify the Standards Commission of the name and address of each accounting unit of the party and the name and address of the responsible person of the accounting unit.

Section 23B (3)

Provide that members of the Houses who retire, are required to furnish a Certificate of Monetary Donations and statement from a financial institution with their last

annual Donation Statement.

Section 23B (4)

Provide that where an existing political donations account is being used, the statement from the financial institution shall specify the transactions in relation to a specific period (i.e. within 6 / 12 months of polling day or from the date of the first monetary donation received in relation to the election).

Section 23B (4) (a)

As transactions may take place on the political donations account after polling day, and for consistency with the provisions of section 24(2)(a), the reference in this section should be to "transactions in relation to the election".

Section 23B - Surplus donations

Provide for the disposal of surplus donations in situations where a person is no longer required to maintain a political donations account and there are funds remaining in the account which have not been used.

Section 23C

As stated in Part 3 of this document (Third Parties), provide for a single registration for the purposes of complying with sections 23C and 31(7).

Section 24 (1)

Provide that where a person holds a dual mandate, or where, in a particular year, he / she served as a member the Dáil and / or Seanad and unsuccessfully contested a Dáil or Seanad election (or both), the person shall be required to furnish a single Donation Statement in respect of his / her membership of Dáil / Seanad Éireann and his / her candidacy at the election(s). (An outgoing member of the Oireachtas who unsuccessfully contested the Dáil and Seanad general elections was required to furnish 3 Donation Statements (and accompanying documentation) to the Standards Commission during 2002).

Section 24 (1A)

Provide that a political party (including its branches) shall not be regarded **as a donor** for the purposes of this section.

Clarify that a branch (or other organ) of a political party shall be regarded **as a donee** for the purposes of this section.

Include a reference to a candidate at a Presidential election.

Section 25

Provide an offence and penalty for failing to open and maintain a political donations account when required to do so.

Provide an offence and penalty for failing to comply otherwise with the provisions of Part IV of the Electoral Act.

Part V EXPENDITURE BY POLITICAL PARTIES AND CANDIDATES AT DÁIL ELECTIONS AND EUROPEAN PARLIAMENT ELECTIONS:

Appointment of election agents:

Section 28.

Provide that, in addition to submitting nomination papers to the returning officer, candidates must notify the Standards Commission of their candidacy and details of the person appointed as their election agent.

Provide that a candidate may notify the Standards Commission directly of a change of election agent (rather than, as at present, having to do so through the returning officer for the constituency).

Section 30.

It is not clear what the purpose of this provision is.

Section 31.

Definition of election expenses:

The finite definition of election expenses provided in section 31 by reference to the Schedule to the Act leaves no discretion for items other than those contained in the Schedule to be regarded as election expenditure.

Definition of what are not election expenses:

The definition of "minor expenses" should be limited to **€126.97 per candidate per election.**

Section 31(6) and 31(7) - connected bodies.

Section 31(6) provides that if a body or person incurring expenditure is deemed (presumably by the Standards Commission) to be connected to a candidate or political party, the relevant agent shall account for the expenditure incurred by the person / body. This would include persons / bodies notified to the Standards Commission in accordance with section 31(7) of the Act who may have been refused authority to incur expenditure by an election / national agent. It seems anomalous that the Standards Commission could then deem that person / body connected to a candidate / party and require the relevant agent to account for the expenditure.

Section 31(8) and (8A) - Sanctions on candidates (and others) who fail to assist an election agent or the national agent of a political party.

Provide that a candidate (or other person) shall be guilty of an offence if, **at any time before, during or after the election** he / she fails to provide the necessary information to an election agent or national agent for the purposes of facilitating the completion of the agent's Election Expenses Statement.

Section 43(e)

Provide a penalty for persons who are found guilty of the offence referred to in section 31(8A).

Provide a general offence for failing to comply with the provisions of this part of the legislation.

Part VI DONATIONS AND ELECTION EXPENSES AT PRESIDENTIAL ELECTIONS:

In the context of a presidential election, the Standards Commission has no experience of the operation of the provisions of the legislation relating to the opening and maintenance of political donations accounts, the limitation and disclosure of election expenditure or the supervision of third parties. Accordingly, the comments provided below are based on experience at the Dáil and European Parliament elections.

DONATIONS:

Section 46 (2) (aa)

- a) The definition of 'candidate' in section 46(2)(aa) of the Act appears to exclude a person who is nominated in the period between the date of the making of the order appointing polling day and close of nominations. (A different definition of 'candidate' is provided in section 27.)
- b) Provide that the definition of 'institution' include credit unions.

Section 47

While specifically prohibited from accepting donations in excess of the limit or from accepting foreign donations, the presidential election agent is not precluded from accepting anonymous donations. Election agents should be prohibited from accepting anonymous donations.

Delete the reference in subsection 2 to third parties and provide a new subsection which requires third parties to remit an anonymous donation or the value thereof to the Standards Commission within 14 days of its receipt at a presidential election (this would be consistent with the provisions of section 23).

Provide a reference in subsection 3 to the new subsection suggested above.

Section 48A

Section 48A(4) as currently worded states that the election agent is responsible for returning or remitting prohibited donations received by candidates, the election agent and third parties. It is assumed that the following is the intended position:

- Third parties are responsible for returning / remitting to the Standards Commission donations received by them.
- The candidate is responsible for ensuring that any prohibited donations received before the appointment of an election agent

are notified to the election agent after his / her appointment.

- Once appointed the election agent is responsible for returning / remitting any prohibited donations including those received by the candidate prior to the election agent's appointment.

If this is what is intended, then it should be specifically provided for in this section.

It is assumed that section 48A(5) applies to all donations received by the candidate before the appointment of an election agent (and not just to prohibited donations). There should be an offence and penalty for a candidate who fails to provide relevant information regarding the receipt of donations to his / her election agent (as in sections 52(7A)).

Provide that where prohibited donations are notified and remitted to the Standards Commission under this section, a copy of the notification shall be laid before both Houses of the Oireachtas and the amount remitted shall be disposed of in accordance with the directions of the Minister for Finance.

Section 48B

- (i) specify that a separate account must be opened in respect of donations received in relation to a presidential election (notwithstanding the fact that the candidate / election agent may already have an existing political donations account); or
- (ii) provide for the use of an existing political donations account by specifying that where an existing account is being used the statement from the financial institution will be in respect of a specific period (e.g. 6 / 12 months prior to polling day or the date the first monetary donation of more than €126.97 was received in relation to the election).
- (iii) It appears to be the case that the candidate is required to open and maintain a political donations account if a monetary donation of more than €127.00 is received prior to the appointment of an election agent. Thereafter the election agent is required to open and maintain a political donations account if a monetary donation of more than €127.00 is received by the candidate. The election agent, however, is required to complete a certificate of monetary donations and furnish the supporting documentation in respect of both accounts. It should be provided that where a candidate is required to open a political donations account before the appointment of an election agent he / she is responsible for furnishing the statutory documentation to the Standards Commission in relation to that account.

Section 48B - Surplus donations

Provide for the disposal of surplus donations - see 23B (surplus donations) above.

Section 48B(2)(a) - Donations received after polling day.

Provide for transactions which may take place on the account after polling day (see 23B(4)(a) above.

Section 48C

As stated in Part 3 of this document (Third Parties), provide for a single registration for the purposes of complying with sections 48C and 52(7).

ELECTION EXPENSES:

Section 51.

It is not clear what the purpose of this provision is.

Section 52(1) Definition of what are election expenses / what are not election expenses.

The comments provided in relation to section 31 and the definition of election expenses contained in the Schedule to the Act, may also be relevant in relation to section 52.

Section 52(3) Election period.

The comments in Part 2 above, in relation to the election period at a Dáil election, may also apply to a presidential election.

Section 52(5) and (6) - connected bodies.

The comments above in relation to section 31(6) and (7) may also be relevant.

Section 52(7) and (7A) - Sanctions on candidates (and others) who fail to assist an election agent.

The comments above in relation to section 31(8) and (8A) may also be relevant (the references to assisting a national agent do not apply in relation to a presidential election).

Provide a penalty for candidates who are found guilty of the offence referred to in section 52(7A).

Section 61

Provide an offence and penalty for failing to open and maintain a political donations account when required to do so.

There should be a general offence for failing to comply with the provisions of this part.

PART VII MISCELLANEOUS:

Section 73

Provide for the public display of notifications of prohibited donations received under section 23A, section 24A and section 48A of the Act.

Appendix: Spending on behalf of political parties and candidates at the 2002 Dáil general election.

The figures below exclude the values of facilities used at the election where the costs were met out of public funds. It should be noted that the total spending limit available to a political party was determined by the number of its candidates standing in three, four and five seat constituencies.

Fianna Fáil - 106 Candidates

1.	Total spending limit available to political party and candidates based on number of candidates standing.	€3,428,292.60
2.	Total amount spent by the party's national agent and the election agents of candidates.	€2,990,841.80
3.	Amount of 2 above spent on national campaign.	€1,141,357.33
4.	Amount of 2 above spent on candidates in constituencies.	€1,849,484.47
5.	Amount of spending limit unspent.	€437,450.80
6.	Amount unspent expressed as a % of total spending limit available.	13%
7.	Average amount unspent per candidate standing.	€4,126.89

Fine Gael - 85 Candidates

1.	Total spending limit available to political party and candidates based on number of candidates standing.	€2,755,331.46
2.	Total amount spent by the party's national agent and the election agents of candidates.	€2,177,354.59
3.	Amount of 2 above spent on national campaign.	€913,179.13
4.	Amount of 2 above spent on candidates in constituencies.	€1,264,175.46
5.	Amount of spending limit unspent.	€577,976.87
6.	Amount unspent expressed as a % of total spending limit available.	21%

7.	Average amount unspent per candidate standing.	€6,799.73
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Labour Party - 46 Candidates

1.	Total spending limit available to political party and candidates based on number of candidates standing.	€1,479,244.77
2.	Total amount spent by the party's national agent and the election agents of candidates.	€989,145.97
3.	Amount of 2 above spent on national campaign.	€314,466.67
4.	Amount of 2 above spent on candidates in constituencies.	€674,679.30
5.	Amount of spending limit unspent.	€490,098.80
6.	Amount unspent expressed as a % of total spending limit available.	33%
7.	Average amount unspent per candidate standing.	€10,654.32

Sinn Féin - 37 Candidates

1.	Total spending limit available to political party and candidates based on number of candidates standing.	€1,187,205.03
2.	Total amount spent by the party's national agent and the election agents of candidates.	€507,947.95
3.	Amount of 2 above spent on national campaign.	€78,729.82
4.	Amount of 2 above spent on candidates in constituencies.	€429,218.13
5.	Amount of spending limit unspent.	€679,257.08
6.	Amount unspent expressed as a % of total spending limit available.	57%
7.	Average amount unspent per candidate standing.	€18,358.30

Green Party - 31 Candidates

1.	Total spending limit available to political party and candidates based on number of candidates standing.	€1,022,139.09
2.	Total amount spent by the party's national agent and the election agents of candidates.	€228,718.87
3.	Amount of 2 above spent on national campaign.	€32,067.00
4.	Amount of 2 above spent on candidates in constituencies.	€196,651.87
5.	Amount of spending limit unspent.	€793,420.22
6.	Amount unspent expressed as a % of total spending limit available.	78%
7.	Average amount unspent per candidate standing.	€25,594.20

Christian Solidarity Party - 23 Candidates

1.	Total spending limit available to political party and candidates based on number of candidates standing.	€730,099.35
2.	Total amount spent by the party's national agent and the election agents of candidates.	€12,284.71
3.	Amount of 2 above spent on national campaign.	€542.01
4.	Amount of 2 above spent on candidates in constituencies.	€11,742.70
5.	Amount of spending limit unspent.	€717,814.64
6.	Amount unspent expressed as a % of total spending limit available.	98.3%
7.	Average amount unspent per candidate standing.	€31,209.33

Progressive Democrats - 20 Candidates

1.	Total spending limit available to political party and candidates based on number of candidates standing.	€666,612.45
2.	Total amount spent by the party's national agent and the election agents of candidates.	€577,277.63
3.	Amount of 2 above spent on national campaign.	€128,757.00
4.	Amount of 2 above spent on candidates in constituencies.	€448,520.63
5.	Amount of spending limit unspent.	€89,334.82
6.	Amount unspent expressed as a % of total spending limit available.	13%
7.	Average amount unspent per candidate standing.	€4,466.74

Workers Party - 8 Candidates

1.	Total spending limit available to political party and candidates based on number of candidates standing.	€260,296.29
2.	Total amount spent by the party's national agent and the election agents of candidates.	€40,724.09
3.	Amount of 2 above spent on national campaign.	€365.23
4.	Amount of 2 above spent on candidates in constituencies.	€40,358.86
5.	Amount of spending limit unspent.	€219,572.20
6.	Amount unspent expressed as a % of total spending limit available.	84%
7.	Average amount unspent per candidate standing.	€27,446.53

Socialist Workers Party - 7 Candidates

1.	Total spending limit available to political party and candidates based on number of candidates standing.	€247,598.91
2.	Total amount spent by the party's national agent and the election agents of candidates.	€21,925.65
3.	Amount of 2 above spent on national campaign.	€144.69
4.	Amount of 2 above spent on candidates in constituencies.	€21,780.96
5.	Amount of spending limit unspent.	€225,673.26
6.	Amount unspent expressed as a % of total spending limit available.	91%
7.	Average amount unspent per candidate standing.	€32,239.04

Socialist Party - 5 Candidates

1.	Total spending limit available to political party and candidates based on number of candidates standing.	€165,065.94
2.	Total amount spent by the party's national agent and the election agents of candidates.	€29,974.27
3.	Amount of 2 above spent on national campaign.	€711.92
4.	Amount of 2 above spent on candidates in constituencies.	€29,262.35
5.	Amount of spending limit unspent.	€135,091.67
6.	Amount unspent expressed as a % of total spending limit available.	82%

7.	Average amount unspent per candidate standing.	€27,018.33
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Non-Party - 95 Candidates

1.	Total spending limit available based on number of candidates standing.	€3,148,950.24
2.	Total amount spent by the election agents of candidates.	€761,585.21
3.	Amount of 2 above spent on national campaign.	N/A
4.	Amount of 2 above spent on candidates in constituencies.	€761,585.21
5.	Amount of spending limit unspent.	€2,387,365.03
6.	Amount unspent expressed as a % of total spending limit available.	76%
7.	Average amount unspent per candidate standing.	€25,130.16

Totals - 463 candidates

1.	Total spending limit available based on number of candidates standing.	€15,090,836.13
2.	Total amount spent by the national agents of political parties and the election agents of candidates.	€8,337,780.74
3.	Amount of 2 above spent on the national campaigns of political parties.	€2,610,320.80
4.	Amount of 2 above spent on candidates in constituencies.	€5,727,459.94
5.	Amount of spending limit unspent.	€6,753,055.39
6.	Amount unspent expressed as a % of total spending limit available.	45%

7.	Average amount unspent per candidate standing.	€14,585.43
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