

Standards in Public Office Commission

The Electoral Act 1997, as amended

Presidential Election 27 October 2011

Report to the Chairman of Dáil Éireann (Ceann Comhairle)

February 2012

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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 Election Expenses Statements/Statutory Declarations referred to in the report were furnished to the Standards in Public Office Commission (the Standards Commission) pursuant to section 56 of the Act. Donation Statements/Statutory Declarations referred to in the report were furnished pursuant to section 48 of the Act, while the Certificates of Monetary Donations/Statutory Declarations and statements from financial institutions were furnished pursuant to section 48B of the Act.

Justice M. P. Smith
Chairman
February 2012

Chapter 1 Introduction

Pursuant to section 6 of the Presidential Elections Act 1993, the Minister for the Environment, Community and Local Government made an order on 30 August 2011 appointing 27 October 2011 as the day on which "*the poll (if any) at the election shall be taken.*" Seven candidates were nominated to contest the election.

In accordance with the provisions of Part VI of the Act, the presidential election agents of candidates at the presidential election were required, within 56 days after polling day (i.e., by 22 December 2011), to furnish to the Standards Commission:

- (i) an Election Expenses Statement/Statutory Declaration;
- (ii) a Presidential Election Donation Statement/Statutory Declaration;
- (iii) a Presidential Election Certificate of Monetary Donations/Statutory Declaration and Bank Statement.

This report concerns the statutory returns furnished in respect of the candidacy of the seven candidates at the 2011 presidential election.

Section 4(1) of the Act provides that the Standards Commission shall consider every statement furnished to it and 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 considering the statements referred to above, the Commission had regard to the Guidelines it issued in advance of the presidential election and it carried out spot-checks on the statements to ensure compliance with the Guidelines and the legislation. While some items of expenditure disclosed by the presidential election agents may not have qualified as "election expenses" in the technical sense, the Commission is satisfied that no candidate exceeded the expenditure limit and no candidate received a reimbursement of election expenses in respect of expenditure that was not an election expense.

In accordance with section 4(5) of the Act the Commission's report must be laid before the Houses of the Oireachtas.

The relevant details relating to donations and expenses in relation to the election are given in Chapter 3. Total donations disclosed amounted to **€304,570.75** while the total of election expenses reported was **€2,318,577.09**

Chapter 2 **General information relating to the presidential election**

The Standards Commission published Guidelines for the Presidential Election 2011 and issued a copy to each candidate and presidential election agent setting out the requirements relating to various matters such as the acceptance and disclosure of donations, prohibited donations, political donation accounts and spending at the election. Further information may be obtained from the Commission's website - www.sipo.gov.ie or through this link - <http://www.sipo.gov.ie/en/Guidelines/Elections/GuidelinesforthePresidentialElection-2011/>

The following is a summary of relevant useful information.

Relevant amounts

€126.97	On receipt of a donation of this value, a political donations account must be opened by the presidential election agent and/or candidate (if one has not already been opened).
€126.97	An anonymous donation exceeding this amount cannot be accepted.
€634.87	All donations received by presidential candidates or election agents exceeding this amount must be disclosed on the Donation Statement.
€2,539.48	Maximum donation that may be accepted by a presidential candidate or election agent in a particular year from a person.
€5,078.95	All donations received by political parties exceeding this amount must be disclosed on their annual Donation Statement.
€6,348.65	Maximum donation that may be accepted by a political party in a calendar year from a person.
€750,000	Spending limit in respect of each presidential election candidate.
€200,000	Maximum reimbursement that may be claimed by a presidential candidate.
221,471 votes	This equals one quarter of the quota and to qualify for a reimbursement of election expenses, a candidate had to exceed this number of votes at any stage of the count.

Relevant dates

30 August 2011	Date of the order appointing polling day.
30 August 2011 to 27 October 2011	Election period - date of the order appointing polling day up to polling day.
11 December 2011 - 45 days after election	Claims for payment of election expenses, from suppliers, must be received by the election agent by this date.
22 December 2011 - 56 days after election	Date by which Election Expenses Statements, Donation Statements/Certificate of Monetary Donations/Bank Statements must be furnished to the Standards Commission.

Chapter 3 Donations and election expenses disclosed

Donations disclosed amounted to **€304,570.75**. The election expenses disclosed amounted to **€2,318,577.09**. The table below provides the relevant breakdowns.

The individual Donation Statements and Election Expenses Statements are on the Commission's website - www.sipo.gov.ie

Table

Donations and election expenses disclosed in respect of the candidates

Name of Candidate	Presidential election agent	Value of cash donations received €	Election expenses incurred €	Amount of reimbursement €
Michael D. Higgins	Kevin O'Driscoll	121,421.53	359,935.48	200,000
Sean Gallagher	Cathal Lee	28,759.00	323,318.45	200,000
Martin McGuinness	Treasa Quinn	4,348.00	302,563.47	200,000
David Norris	Liam McCabe	17,929.98	331,974.89	Nil
Dana Rosemary Scallan	Brendan Kelly	12,017.24	59,591.47	Nil
Gay Mitchell	Tom Curran	Nil	527,152.01	Nil
Mary Davis	Ronan King	120,095.00	414,041.32	Nil
	TOTALS	304,570.75	2,318,577.09	600,000