



Standards in Public Office Commission
Coimisiún um Chaighdeáin in Oifigí Poiblí

**Third Parties
and
the Referendum on The Treaty of
Lisbon**

**Report to the
Minister for the Environment, Heritage and Local
Government**

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1 Introduction

On 27 January 2009, the Minister for the Environment, Heritage and Local Government requested the Standards Commission to prepare and submit to him a report setting out its experience of operating the third party provisions as they applied at recent referendums. This report deals with the Commission's experience of supervision of the relevant provisions of the Electoral Act 1997, as amended, as they applied to third parties who campaigned at the referendum on the Treaty of Lisbon. The report also gives a general account of the Standards Commission's supervision of these provisions of the Act. It sets out some of the difficulties which the Standards Commission has encountered and deals with concerns which have been expressed by some voluntary and other groups whose activities have been captured by the legislation.

Section 23C of the Act requires an individual or group (other than a registered political party or a candidate at an election) which accepts a contribution which is given for political purposes and which exceeds €12697 in value to register with the Standards Commission as a third party.

The provisions of the Act relating to third parties were introduced by the Electoral (Amendment) Act 2001 and came into effect on 1 January 2002. The Standards Commission reported to the Chairman of Dáil Éireann in March 2003 on the activities of third parties at the 2002 referendums on Abortion and on the Nice Treaty and on the activities of third parties during the Dáil and Seanad general elections of 2002. A report on compliance by third parties generally in 2002 and 2003 was also furnished to the Chairman of Dáil Éireann in October 2003. In its reports on the European elections of 2004, the Kildare North and Meath Dáil by-elections of 2005, and the Dáil general election of 2007 the Standards Commission also reported on the activities of third parties at these elections.

Details of the individuals or groups contacted by the Standards Commission since the commencement of the third party provisions of the Act (including individuals/groups contacted in relation to the recent referendum) and the result of these contacts are set out at Appendix 1 of the report.

The Standards Commission has already carried out a review of the Electoral Acts (in 2003) in response to an invitation to do so from the Minister for the Environment, Heritage and Local Government. As part of that review and in subsequent annual reports, the Standards Commission has made a number of recommendations as to how the third party provisions of the Act might be improved. The Standards Commission is conscious of the fact that it is a matter for the Oireachtas to determine the nature and content of legislation. However, as the body with experience of supervising the legislation, the Standards Commission considers it appropriate that a report which highlights difficulties in supervising legislation should also offer some suggestions as to how the legislation might be improved. This report again contains some such suggestions.

2 Provisions of the Act applying to third parties

This chapter sets out the obligations of third parties under the Act.

a) What is a third party?

Section 22(2)(aa) of the Act defines a third party as a person, other than a registered political party or a candidate at an election which accepts a donation exceeding €126.97 in value. A third party can be an individual, a body corporate or an unincorporated body of persons. In general most third parties tend to be groups or organisations.

A donation is defined in section 22(2)(a) of the Act as "*any contribution given for political purposes*". Insofar as third parties are concerned, the definition of political purposes includes:

- a) to present, directly or indirectly, the policies or a particular policy of a third party;
- b) to present, directly or indirectly, the comments of a third party with regard to the policy or policies of a political party, political group, TD, Senator, MEP, a candidate or another third party at an election or referendum or otherwise;
- c) 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; or
- d) otherwise to influence the outcome of an election or referendum or a campaign referred to at (c) above.

In practice most third parties which have registered with the Standards Commission or which have otherwise come to its attention have done so in relation to a campaign at a referendum or an election. The Standards Commission has found, however, that part (c) of the definition of political purposes can capture the activities of a number of individuals or groups who may not have regarded themselves as being engaged in a "political" campaign.

b) Registration

Section 23C of the Act requires third parties to register with the Standards Commission. They must register as soon as may be after receipt of a donation exceeding €126.97 and before incurring any expenses (or any further expenses) for political purposes. When registering, a third party must provide the following information 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 (the "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.

Once registered as a third party, an individual or group is also required to comply with the provisions of the Act regarding the opening and maintenance of a political donations account and is prohibited from accepting certain types of donations.

c) Maintenance of a political donations account

Section 23B(1) of the Act provides that where a third party receives a monetary donation in excess of €126.97, it must open and maintain an account in a financial institution in the State and lodge the initial donation and all subsequent monetary donations to that account (referred to as a "political donations account"). Monies withdrawn from the political donations account may only be used for political purposes. It is important to note that this only applies to contributions received by a third party which have been given for political purposes. If a third party receives contributions which are not for political purposes, it is not required to lodge these contributions to its political donations account.

Section 23B(5) of the Act provides that each year the responsible person of a third party must furnish a bank statement to the Standards Commission from the financial institution in which the political donations account has been opened. The bank statement must be furnished by 31 March and must specify the transactions that have taken place in relation to the account during the preceding year. Section 23B(5) also provides that the statement must be accompanied by a Certificate of Monetary Donations on which the responsible person certifies 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. Section 23B(6) provides that the Certificate is accompanied by a Statutory Declaration. It is an offence for the responsible person of a third party to fail to furnish a Certificate or bank statement to the Standards Commission

The responsible persons of third parties which registered with the Standards Commission during 2008 (including those which registered in connection with the referendum on the Treaty of Lisbon) and who were required to open a political donations account will be required to furnish a Certificate and a bank statement to the Standards Commission by 31 March 2009.

Section 23(B)(8) of the Act provides that the Standards Commission shall not disclose the contents of the Certificates or bank statements unless ordered by a court to do so or where such disclosure is required in connection with an investigation held by the Standards Commission.

d) Prohibited Donations

The Act provides that there are certain types of donations which a third party may not accept. Section 23(1) of the Act provides that a third party shall not accept an anonymous donation exceeding €126.97. If such a donation is received, the Standards Commission must be notified and the donation or the value thereof remitted to the Standards Commission within 14 days of its receipt.

Section 23A(1) of the Act provides that third parties may not accept donations from the same person, in the same calendar year, which exceed an aggregate value of €6,348.69. If a donation in excess of the maximum prescribed limit is received, a third party must return the donation to the donor, or in the case of a monetary donation, that part which exceeds the limit and keep a record of its return. Alternatively a third party may remit the donation, or in the case of a monetary donation, that part which exceeds the limit, to the Standards Commission.

Section 23(A)(2) of the Act provides that a third party may not accept a "foreign donation". A foreign donation is a donation from an individual (other than an Irish citizen) who resides outside the island of Ireland or 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. If a foreign donation is received the third party must return the donation to the donor and keep a record of its return or remit the donation to the Standards Commission.

It is an offence for the responsible person of a third party to fail to take the appropriate action in relation to a prohibited donation.

e) Requirement to notify the Standards Commission of intent to incur expenses at a Dáil or European election

In addition to the requirement to register as a third party, an individual or group who or which proposes to incur expenses at a Dáil, European or presidential election and has not been authorised to do so by a candidate's election agent or the national agent of a political party, must notify the Standards Commission of their intent to incur expenses. This requirement also applies to individuals or groups who have not registered as third parties and who intend to incur election expenses. It does not apply, however, to individuals or groups who intend to incur expenses at a referendum.

When notifying the Standards Commission of an intent to incur election expenses an individual/group must provide:

- a) the name, address and description of the person proposing to incur the expenses;
- b) a statement of the nature, purpose and estimated amount of such expenses; and

- c) an indication of the person's connection, if any, with any party or candidate at the election.

If deemed by the Standards Commission not to be connected to a candidate or political party at the election, the individual/group will be required to furnish an Election Expenses Statement to the Standards Commission.

It is an offence if an individual/group which incurs election expenses fails to comply with these requirements.

3 Supervision of the third party provisions

The Standards Commission takes what it considers to be a practical approach in supervising the provisions of the Act relating to registration as a third party and the furnishing of Certificates and bank statements.

a) Registration of third parties

One of the main challenges the Standards Commission has faced in supervising these provisions of the Act is to make individuals and groups aware of the requirements of the legislation. Most individuals or groups are unaware of the requirement to register as a third party if a donation in excess of €126.97 is received, and many do not regard the activities in which they are engaged as being for political purposes.

Failure to register as a third party, if required to do so, is an offence under section 25(1)(e) of the Act. The Standards Commission considers it particularly important, therefore, that potential third parties are made aware of the requirements of the Act. The Standards Commission adopts the following approach in this regard:

- 1) The Standards Commission may publish a public notice each year in the national press setting out the requirements of the legislation. In addition, a more detailed explanatory note on the requirements of the Act is published on its website. The explanatory note is also made available to potential third parties which contact the Standards Commission.

When an election or referendum is being held, the Standards Commission may publish an additional public notice about the requirements of the legislation attaching to third parties who may be campaigning at the election or referendum.

- 2) Where potential third parties come to its attention, the Standards Commission contacts the individual or group and provides a copy of its explanatory note. The onus is then on the individual or group to decide whether or not there is a requirement to register as a third party.

The Standards Commission does not determine whether a particular individual or group is a third party. When contacting potential third parties, the Standards Commission may advise that a particular activity is captured by the definition of political purposes. In most cases, however, the Standards Commission will not have evidence that the individual/group received a contribution of €126.97 which was given for political purposes. The Standards Commission cannot determine, therefore, that the individual/group is a third party. The onus is on the individual or group itself to determine if there is a requirement to register as a third party.

b) Furnishing annual returns in respect of a political donations account

Section 23B(5) of the Act requires the responsible person of a third party to furnish a Certificate and bank statement in relation to the third party's political donations account. The Act provides that this documentation must be furnished to the Standards Commission every year. The requirement to furnish such material annually assumes that individuals or groups which have registered as third parties remain in existence as third parties. In practice, the vast majority of third parties have registered with the Standards Commission in relation to a particular campaign and their "political" activity has not extended beyond that campaign.

To ensure that it is not pursuing third parties which are no longer in existence or which are no longer "politically" active, the Standards Commission requests third parties each year to confirm whether or not they intend to continue in existence as a third party. If a third party informs the Standards Commission that it is no longer an active third party, no further contact is made with that individual or group unless, through further activity or campaigning, the individual/group comes to the Standards Commission's attention again.

The Standards Commission also recognises that the political donations accounts of some third parties may not be active in a particular year. Each year the Standards Commission writes to the responsible persons of those third parties which were registered with it during the preceding year and encloses a Certificate of Monetary Donations form for completion. The responsible person is asked to confirm if there was any activity on the political donations account during the preceding year. If there has been activity on the account, the responsible person is required to complete the Certificate of Monetary Donations form in full and provide a copy of the bank statement in respect of the preceding year. If there has not been any activity on the account in the preceding year the responsible person is only required to state this. He/She is not required to complete the Certificate of Monetary Donations form or to provide a bank statement.

Individuals or groups which registered with the Standards Commission as a third party during 2008 must furnish a Certificate and a bank statement to the Standards Commission by 31 March 2009. The Act prohibits the disclosure of the contents of these Certificates and bank statements unless a court orders disclosure or where disclosure is required in connection with a Standards Commission investigation.

4 The referendum on the Treaty of Lisbon

General supervision

The Standards Commission published a public notice and produced an explanatory note for third parties campaigning at the referendum. The public notice was published in the main national newspapers on 12 March 2008 and in the Sunday newspapers on 16 March 2008. It was also published in other relevant magazines. A number of individuals and groups contacted the Standards Commission for advice as to whether they were required to register as a third party. The Standards Commission also wrote to a number of individuals/groups which it was aware were campaigning at the referendum and informed them that their campaign was captured by the definition of political purposes. They were each given a copy of the Standards Commission's explanatory note and were requested to consider if they were required to register as a third party. Eight groups registered as a third party. Details of these groups and the other individuals/groups contacted by the Standards Commission are provided at Appendix 1 of this report.

Some of the groups which campaigned at the referendum informed the Standards Commission that they intended to finance their campaigns from their own resources and that they would not be seeking any donations. These groups were informed that they were not required to register as a third party.

The Standards Commission found a high level of awareness of the requirement to register as a third party among individuals and groups campaigning at the referendum. This may be due to the fact that many of these had campaigned at the Referendum on the Nice Treaty in October 2002 where these provisions had also applied.

Legal advice

The Standards Commission received a number of enquiries as to how the third party provisions of the Act would apply at the referendum. The Standards Commission decided to seek legal advice in relation to a number of issues arising from these enquiries.

Groups based outside the state

With regard to the restrictions, if any, which might apply to groups and individuals from outside the state who intended to campaign or fund campaigns at the referendum, the Standards Commission was advised that the provisions of the Act relating to third parties would not apply to individuals or groups which did not have a presence in this jurisdiction.

The Standards Commission was also advised that an individual or group would only be required to register as a third party if a contribution which was *given* for political purposes was received. An individual or group which used its own resources to fund its referendum campaign and did not receive a donation would not be regarded as a third party.

Funding from European political groups

The Standards Commission also received legal advice on the issue of the use of funding which might be provided to Irish MEPs and political parties by their **political**

groups in the European Parliament. Section 22(2)(b)(ii) of the Act provides that any payment, service or facility provided to a **person** out of monies provided by an institution of the European Union by virtue of the person being an MEP or a political group is not regarded as a donation. The Standards Commission was informed that political groups are funded by the European Parliament and only make funds available to an Irish MEP or political party which is a member of the political group. On the basis of this information, the Standards Commission was advised that, in accordance with section 22(2)(b)(ii) of the Act, such funding would not be regarded as a donation to an Irish MEP or political party. The Standards Commission advised each MEP and the appropriate officer of their political parties accordingly.

The Standards Commission wrote to the Minister for Environment, Heritage and Local Government on 12 March 2008 informing him of this advice and how it intended to apply the provisions of the Act relating to third parties at the referendum.

Concerns about the transparency of funding of third parties campaigning at the referendum

During the referendum campaign, concerns were expressed about the expenditure of certain groups and how this expenditure was being funded. Concerns were also expressed that third parties campaigning at the referendum would not be required to disclose details of donations received by them. *At the outset of the campaign the Standards Commission clarified that, unlike political parties, elected representatives and candidates at elections, third parties are not required to disclose details of donations received by them. The Standards Commission also clarified that information contained on the Certificates and bank statements furnished to the Standards Commission by third parties would not be made available for public inspection.* Nevertheless, there has been continuing confusion about these points.

In its Review of the Electoral Acts in 2003 and in its Annual Report for 2005, the Standards Commission suggested that, instead of the acceptance of a donation determining whether an individual or group is required to register as a third party, the focus of these provisions of the legislation should concentrate on the amount spent on a particular campaign by individuals or groups. If that amount exceeded a certain threshold (e.g., €5,000) then individuals/groups might be required to show how their campaign was funded. Limits on the type and amount of donations which could be accepted to fund the campaign would apply.

The 2008 referendum highlighted significant weaknesses in the provisions of the Act concerning third parties. The Standards Commission welcomes the Minister's stated intention to review the disclosure requirements attaching to third parties. *The Standards Commission suggests, however, that this review might encompass all provisions of the Act relating to third parties and should take into account previous recommendations made by the Standards Commission in this regard and the recommendations contained in Part 8 of this report.*

Correspondence with third Parties concerning loans to fund their referendum campaign

Section 4(4) of the Act provides that the Standards Commission may make whatever enquiries it considers necessary and can request any document, information or thing from a person for the purposes *of carrying out its duties under the Act*. The requirements attaching to third parties are set out in Part 2 of this report. As part of its supervisory role under the Act the Standards Commission is responsible for ensuring that third parties comply with these requirements. No third party is required to disclose details of donations received by it.

The Standards Commission wrote to four of the registered third parties regarding the provision of loans - Libertas, C  IR, Campaign Against EU Constitution and Irish Alliance for Europe. These groups were selected on the basis that they intended to incur expenditure of  10,000 or above at the referendum. The Irish Alliance for Europe, C  IR and Campaign Against EU Constitution informed the Standards Commission that they had not received any loans to finance their referendum campaigns. Libertas had already informed the Standards Commission of a loan provided by Mr Declan Ganley. The letter to Libertas asked whether other loans had been provided to fund the referendum campaign. At the time of writing this report, and despite a number of written and telephone reminders to Libertas, it has failed to provide the required information to the Standards Commission.

Further correspondence with Libertas

The "responsible person" of Libertas, Mr Naoise Nunn informed the Standards Commission on 30 September 2008 that he had resigned from Libertas with effect from 19 September 2008. In addition to furnishing a Certificate and bank statement in respect of the third party's political donations account, the responsible person must also ensure that any prohibited donations which might be received by the third party are returned to the donor or remitted to the Standards Commission. The Standards Commission wrote, therefore, to Libertas requesting it to provide details of the person who had replaced Mr Nunn as responsible person for Libertas. At the time of writing this report, Libertas has not provided this information to the Standards Commission.

Referendum campaign funding by Libertas

Following media reports, the Standards Commission decided to make certain enquiries with Libertas in order to ensure that it complied with its obligations under the Act regarding the opening and maintenance of a political donations account and the non-acceptance of prohibited donations. In that regard the Standards Commission made the following enquiries with Libertas:

a) Employees of Rivada Networks Ltd

It was suggested that persons employed by Rivada may have been paid by that company while working for Libertas on its referendum campaign. If this was the case it could be regarded as a donation to Libertas from Rivada. If the total value of the services provided exceeded  6,348.69 in any year, Libertas would be required to refund the excess donation to Rivada.

Libertas confirmed that Rivada employees "*who worked on the Libertas project did so in their spare time and on a voluntary basis.*"

On 11 September 2008 the Standards Commission asked Libertas to provide further details of the employees who worked on the referendum campaign. At the time of writing this report, Libertas has not provided this information to the Standards Commission.

b) Use of "The Lisbon Treaty: the Readable Version"

The Standards Commission was aware that Libertas had distributed a book - "*The Lisbon Treaty: the Readable Version*" - as part of its referendum campaign. It was reported that the book "*sells for €20*" and that 35,000 copies of the book had been given to Libertas by another organisation, the Foundation for European Democracy. A donation is defined in the Act as a contribution given for political purposes. This includes the free or below cost provision of goods, property or services. If the books were given for the purpose of assisting Libertas in its referendum campaign and if the total value of the books provided to Libertas exceeded €6,348.69 in any year, Libertas would be required to refund the excess donation to the Foundation for European Democracy. The Standards Commission requested Libertas to clarify the position with regard to the use of these books, whether they were provided free or below commercial cost, and querying why the provision of these books should not be regarded as a donation to Libertas.

On 13 August 2008 Libertas confirmed that it had received a number of copies of this book from "the EU Democrats". Libertas stated that the books did not contain any political messaging and that they were distributed free of charge. The Standards Commission considered that this response was not entirely relevant in determining whether provision of the books constituted a donation to Libertas. The Standards Commission wrote again to Libertas advising it that if the books were provided free of charge (where a charge normally applies) and were given for the purposes of seeking to influence the outcome of the referendum it would be regarded as a donation to Libertas. Libertas was asked for its further comments as to why the provision of these books should not be regarded as a donation. At the time of writing this report, Libertas has still not provided any further comments on this matter to the Standards Commission.

c) Loans provided to Libertas

The Standards Commission's position on the issuing and repayment of loans is set out in Part 4 of its guidelines for political parties (published in December 2006). The same position applies to loans to third parties. The guidelines state that where an individual or body, who or which is not a financial institution, gives a loan to a person who is covered by the Act, it must be evident that the loan offered is a *bona fide* loan and that the interest chargeable on the loan reflects interest charged by financial institutions on loans of similar amount and duration. The Standards Commission wrote to Libertas on 19 June 2008 requesting details of any loans provided to it from a financial institution or other person for the purposes of funding its referendum campaign.

Mr Ganley replied on 13 August 2008 confirming that Libertas had received a personal loan from him "*in respect of which a detailed legal agreement and*

repayment plan in accordance with commercial lending norms" had been agreed. In its guidelines for political parties the Standards Commission advises that it may require sight of the terms and conditions, including the interest charge, applying to a loan provided by a person who or which is not a financial institution. The Standards Commission wrote to Mr Ganley on 22 August and requested a copy of the legal agreement and repayment plan for the loan made to Libertas.

In spite of subsequent correspondence with Mr Ganley and his legal representatives, the information requested by the Standards Commission has not been provided by Libertas at the time of writing this report.

5 Difficulties encountered by the Standards Commission

Many of the difficulties encountered by the Standards Commission in supervising these provisions of the Act have already been set out in a review of the Act which the Standards Commission carried out at the invitation of the then Minister for the Environment, Heritage and Local Government, Mr Martin Cullen TD and which was published in December 2003. The Standards Commission also referred to some of these difficulties in subsequent annual reports.

This review document was circulated to each member of the Houses of the Oireachtas at the time and is available on the website of the Standards Commission. Among the issues referred to in the document are the following:

- The broad definition of political purposes which unintentionally captures the activities of individuals or groups which would not normally be regarded as "political".
- Individuals or groups which may be politically active but who have not accepted donations are outside the third party provisions of the legislation.
- The difficulty for the Standards Commission in determining whether a contribution has been **given** for political purposes.
- The requirement on some individuals or groups to register both as a "third party" and as a person intending to incur election expenses is overly bureaucratic.
- The presumption in the legislation that all third parties continue in existence.
- The absence of an offence for failing to open and maintain a political donations account.

The Standards Commission does not intend to revisit all of these issues in this report. It would, however, like to restate the difficulties it has encountered in determining whether a contribution has been given for political purposes and to set out some further issues it has had to consider when supervising the provisions of the Act relating to third parties.

a) **Determining whether a contribution has been given for political purposes**

The current legislative determinant as to whether an individual or group is a third party is receipt of a contribution in excess of €126.97 which has been **given** for political purposes. The Standards Commission is aware that a number of groups have funded "political" campaigns from their own resources, from their membership fees or from other general contributions. Such contributions, if not given for political purposes, are not donations and do not require an individual or group to register as a third party.

In most cases, and unless an individual or group conducts a campaign for which it specifically requests donations, it is not possible to determine whether a contribution has been given for political purposes.

b) The offence under section 25(1)(e) of the Act for failing to register (in accordance with section 23C of the Act)

Failure to register as a third party when required to do so is an offence under section 25(1)(e) of the Act. The difficulty in determining whether a contribution has been given for political purposes could present a difficulty in prosecuting this offence. There has been a number of occasions where the Standards Commission was satisfied that the activities of a group were captured by the definition of political purposes. It would also have been aware that the group was soliciting contributions on a regular and general basis. Some of these groups, however, did not register as third parties. The Standards Commission assumes that this was on the basis that they had not accepted a contribution which had been given for political purposes. Under such circumstances, and in the absence of any evidence that a contribution had been specifically given for political purposes, the Standards Commission has not referred such matters to the Director of Public Prosecutions. The Standards Commission was aware from previous experience that the DPP can refuse to prosecute because of ambiguity in the relevant statute. The Standards Commission is of the view that there is sufficient ambiguity in the third party provisions of the Act to inhibit the prosecution of an offence under section 25(1)(e) of the Act.

c) Membership fees

In the case of the Alliance for Insurance Reform, the Standards Commission was required to consider whether membership fees paid to this group engaged in a "political" campaign constituted donations under the Act. (The Standards Commission had previously received legal advice to the effect that membership fees paid to a political party are not contributions given for political purposes.)

On the basis of the information provided by the Alliance, the Standards Commission was satisfied that the group had a *bona fide* membership fee structure in place. It advised the group that ordinary membership fees paid by its members in accordance with its agreed membership fee structure were not donations. Additional contributions from members, however, including benefits in kind, which were in excess of the normal membership fee, would be regarded as donations as would any additional subscriptions sought or given by members for the purposes of financing a particular "political" campaign. The Standards Commission also advised the group that contributions, including benefits in kind, received from non-members to fund a "political" campaign would be regarded as donations for the purposes of the Act.

Based on this precedent and legal advice obtained in relation to membership fees paid to political parties, the general approach of the Standards Commission is that *bona fide* membership fees paid to a group by its members are not contributions given for political purposes and are not, therefore, donations. If, however, it is evident that a group has put a membership structure in place in order to disguise the receipt of contributions given for political purposes, the Standards Commission may regard such contributions as donations and may

decide that the relevant provisions of the legislation should apply to the acceptance of such contributions.

d) Groups which may rely on overseas contributions to fund their activities

The Act provides that a third party may not accept foreign donations. An issue which the Standards Commission was required to consider was whether Stop Salmon Drift Nets Now, which had registered late as a third party, should return overseas contributions received by it prior to registration.

The issue arose when the Standards Commission contacted the group concerned in 2005 regarding a "political" campaign which it was engaged in. Having been provided with a copy of the Standards Commission's explanatory note on third parties, the group informed the Standards Commission that it had received contributions in 2004 and 2005 which would have required it to register as a third party. The group also informed the Standards Commission that some of these contributions constituted "foreign donations". All contributions, both foreign and domestic, had been lodged to a single bank account from which the group's expenses had been met.

The Standards Commission asked the group to explain why it had not complied with the Act by:

- i) failing to register as a third party;
- ii) failing to open and maintain a political donations account and furnish the required statutory documentation in relation to this account; and
- iii) accepting "foreign donations" and failing to take the appropriate action in relation to these donations.

The failures at i) to iii) above each constituted an offence under the Act.

The group informed the Standards Commission that it had been unaware of the requirements of the Act in relation to third parties and hence its failure to register and to comply with the other provisions of the Act relating to third parties. The group undertook to register immediately as a third party and to open and maintain a political donations account. It also offered to complete Certificates and submit bank statements in respect of 2004 and 2005 in relation to the bank account it had operated. It could not, however, state that all monies from this account were used for political purposes as it had financed all of its activities (both political and non-political) from the one account.

In relation to the acceptance of "foreign donations" the group informed the Standards Commission that it had already spent some of these monies. The group also informed the Standards Commission that it had recently established a particular fund. Activities financed from this fund were not captured by the definition of political purposes. It proposed transferring an amount equivalent to the amount of overseas contributions it had received to the fund. It also

undertook to ensure that all future overseas contributions would be lodged to this account.

The Standards Commission accepted that the group had not been aware of the requirements of the Act relating to third parties. It was satisfied that the group now intended to comply fully with the requirements of the legislation with regard to registering as a third party and opening a political donations account. The Standards Commission decided not to take any further action in terms of a referral of these matters to the DPP.

The Standards Commission also considered the matter of overseas contributions received by the group. It received confirmation from the group that the total amount of overseas contributions received had been transferred into the particular fund. It also accepted that activities financed from the fund were unlikely to be captured by the definition of political purposes. It also had regard to a message posted on the group's website which advised future overseas contributors that their contributions would be allocated to this particular fund. The Standards Commission took the view, therefore, that by transferring the amount of overseas contributions received to the fund, the group could be deemed not to have used the overseas contributions for political purposes.

6 Concerns about the definition of "political purposes"

The definition of political purposes may capture individuals or groups who do not regard their activities as being for political purposes. A number of individuals/groups have commented on this fact. In some cases these comments were provided directly to the Standards Commission, while in other cases the comments were reported in the media. Some of the views expressed were as follows:

Irish Council for Civil Liberties

The following comments were contained in a submission prepared by Human Rights Consultants for the Irish Council for Civil Liberties (a copy of the submission was provided to the Standards Commission by the ICCL):

- Potentially any individual or group which accepts donations could be captured by the definition of a third party.
- The definition of "political purposes" and, in particular, section (i)(IV) of that definition could capture the advocacy and campaigning work of many non-governmental organisations (NGOs) based in Ireland.
- The provisions of the 1997 Act are capable of placing very extensive restrictions upon the extent to which donors may legitimately fund Irish non-governmental organisations which campaign to change Government policy.
- One practical result of the relative lack of legislative clarity in this area is that a number of Irish non-governmental organisations have managed to reach an uneasy *modus vivendi* with the Standards Commission, under which they have asserted that they do not receive donations for "political purposes", and the Standards Commission has accepted this at face value.
- A strict interpretation of the provisions by the Standards Commission might stifle the advocacy and campaigning work of NGOs.
- In American, Canadian and British legislation the restrictions on third parties are much more tightly circumscribed than is the case under Irish legislation and apply only to third parties which involve themselves in electoral activities during the period which precedes an electoral event. Such an approach would seem to provide a pragmatic model for the reform of the current Irish law.

Barnardos

Mr Fergus Finlay, Chief Executive of Barnardos, during a speech on the proposed Charities legislation, remarked that:

"Barnardos is one of many organisations in Ireland that believes it is not possible to achieve its objectives without an advocacy and campaigning position ..."

"Many, if not most, of these organisations are going to find that their activities in the future are very seriously curtailed by a pattern of legislative and administrative change beginning to take shape ..."

"Most of us, in the course of our ordinary activities, find ourselves involved in campaigns for policy change. Under this legislation (the Electoral Acts), it seems"

that we cannot raise or accept money from the public for doing so without being registered, effectively as a political party. If we register we undertake an entirely new commitment to reporting on an annual basis, in addition to the very severe limits on the money we can accept ...

“... the real effect of this legislation, whatever its purpose, will be to slowly stifle an important voice. People campaigning for human rights, for the rights of children and people with disabilities, or on a wide and important range of issues, make a vital contribution to democratic discourse. The Standards in Public Office Commission has pointed out that the flaw in the legislation is that it generates an unnecessary and undesirable impediment to that voice. What is surprising is that the Standards Commission has made its views known to Government, and the reaction of Government has so far been a deafening silence.”

Amnesty International

Mr Seán Love, then Executive Director Amnesty International (Irish section), provided the following comments in reply to a request from the Standards Commission to consider whether Amnesty International might be required to register as a "third party":

“Whilst we (Amnesty International Irish section) appreciate the definition of political purposes is extremely wide I am not aware of Amnesty receiving any or some donations expressly for any of the specified "political purposes".

“We are advised that in circumstances where the Statute created penal sanctions it must be construed very strictly. In the absence therefore of any donations being given for "political purposes" within the meaning of the Act we do not accept that the provisions to which you refer require Amnesty to comply with the registration requirements of the 1997 Act.

“We are also strongly of the view that the intention of the legislature in enacting this legislation was not to inhibit the work of international human rights organisations, such as Amnesty.

“Were the act to be so construed it would have major constitutional implications for the rights of freedom of expression and association.”

Having regard to these concerns, and also the concerns expressed regarding the lack of transparency of the funding of certain groups campaigning at the Treaty of Lisbon, it is clear that a balance needs to be found to ensure the funding of political campaigns is sufficiently transparent while at the same time ensuring that the capacity of NGOs legitimately to raise funds in support of their activities is not hampered.

7 Third party legislation in other jurisdictions

In preparing this report the Standards Commission considered the legislation governing third parties in two other jurisdictions - the United Kingdom and Canada - where, in each case, the law appears to apply mainly in relation to activity at elections and referendums and not to general advocacy or political campaigning.

United Kingdom

Under the United Kingdom's Political Parties, Elections and Referendums Act 2000 (PPERA), any third party wishing to spend more than a specified amount campaigning at a relevant election is required to register with The Electoral Commission as a recognised third party. A third party is an individual or organisation not standing or fielding candidates at an election, but which campaigns for or against a political party or parties or a category of candidates at the election. **An individual/organisation is not required to register if it is campaigning on a political matter outside of an election.**

Any third party that intends to spend more than £10,000 in England, or £5,000 in Scotland, Wales or Northern Ireland, for the purposes of campaigning at an election is required to register as a recognised third party. This requirement applies to UK and European Parliament elections and to Scottish, Welsh and Northern Ireland Parliament/Assembly elections. Third parties which are not registered with the Electoral Commission as recognised third parties can spend a maximum of £10,000 in England or £5,000 in Scotland, Wales or Northern Ireland on '*controlled expenditure*' during the regulated period for the relevant election. It is an offence for an unregistered third party to incur controlled expenditure in excess of these limits.

Controlled expenditure is defined as "*expenses incurred by or on behalf of a third party in connection with the production or publication of election material which is made available to the public, or any section of the public (in whatever form and by whatever means)*". Election material is that which can 'reasonably' be regarded as intended to promote or procure electoral success at a relevant election for one or more registered parties or a group of candidates. Election material also includes material which can reasonably be regarded to enhance the standing with the electorate (in connection with any future election) of any such party(ies) or candidates. Promoting or procuring electoral success for parties or candidates includes doing so by prejudicing the prospects of other parties or candidates.

Controlled expenditure only applies to a regulated periods of 365 days prior to polling day at a UK parliamentary election or four months prior to polling day in all other cases. Once registered, recognised third parties are entitled to higher spending limits and can spend significantly more than non-registered third parties. However, recognised third parties are subject by law to a regulatory framework controlling donations and expenditure.

Following a relevant election, recognised third parties are required to submit a return of controlled expenditure and donations to the Electoral Commission. The return must be submitted within three months of the date of the election (if the recognised third party incurred expenditure of £250,000 or less), or within six months if the recognised

third party incurred expenditure of more than £250,000. Returns of more than £250,000 must be accompanied by an independent audit report.

A recognised third party is subject to controls on the donations that it can accept for the purpose of meeting controlled expenditure. These controls are similar to the controls applying to political parties under the PPERA. Recognised third parties must submit a donation report to the Electoral Commission with their controlled expenditure returns. Details of the following donations accepted in connection with the third party's controlled expenditure must be included in that report:

- all donations of more than £5,000 that are from a permissible donor.
- the total value of all other donations between £200 and £5,000 accepted from permissible donors. (Donations of less than £200 are not regulated by the PPERA.)
- any donations of more than £200 received from impermissible donors.
- donations of more than £200 that are received from unidentifiable donors. (Donations from unidentifiable donors cannot be accepted).

The notification period for a third party lasts for 15 months from the date on which it is recognised by the Electoral Commission as a third party. Unless a recognised third party renews its notification, its status as a recognised third party will lapse 15 months after the date on which its notification as a third party came into effect.

There are also rules which apply to third parties under the Representation of the People Act 1983. These rules apply to campaigning for or against individual candidates. The Representation of the People Act imposes limits on third party spending at Parliament, European Parliament, Regional Parliament/Assembly and local elections. There is no requirement for a third party to register as a recognised third party if it intends to campaign for or against a single candidate. However, if a third party intends to campaign for or against a number of candidates and the cost of doing so exceeds the PPERA limits, the third party would be required to register as a recognised third party.

Similar rules apply to "permitted participants" at referendums (i.e. individuals or organisations that campaign for a particular outcome in a referendum).

Canada

Under the Canada Elections Act a person or group is considered to be a third party if they engage in election advertising. Election advertising expenses is a message that is transmitted by any means during an election to any person or persons with whom the originator of the message does not have some common cause or connection and is intended to influence how an elector might vote, by promoting or opposing a registered party or the election of a candidate. It also includes a message that takes a position on an issue with which a registered party or candidate is associated.

If a third party spends \$500 or more on its election advertising, it must immediately register with the Chief Electoral Officer. A third party which spends less than \$500 on its election advertising is not required to register.

When registering, the third party must provide certain information including contact details for its "financial agent". The financial agent is the only person who may accept contributions for election advertising purposes during the election period, and who may authorise spending on election advertising on behalf of the third party. The financial agent may not be a candidate, an official agent of a candidate or a registered agent of a political party. The financial agent must be a Canadian citizen or a permanent resident of Canada.

The Canada Elections Act limits how much a third party may spend on election advertising. If the election advertising promotes or opposes the election of one or more candidates in a given electoral district, then a limit of \$3,000 applies. If the election advertising promotes or opposes a registered political party, including advertising that takes a position on an issue that is associated with a registered political party, and the election advertising is aimed at a national, regional or provincial audience, then a limit of \$150,000 applies.

A third party may not use for election advertising purposes donations that come from persons who are not Canadian citizens or permanent residents; from corporations or associations that do not carry on business in Canada; from trade unions that do not hold bargaining rights for employees in Canada; from foreign political parties, or from foreign governments or agents of a foreign government.

A registered third party must report its election advertising expenses. For a general election, the report must include the times and places of the broadcasts or publication of the advertisements. The report is divided into two lists. One must show which election advertising expenses related to the promotion or opposition of one or more candidates in a given electoral district (and were subject to the \$3,000 limit). The other list must show all other election advertising expenses.

The third party must report the names and addresses of anyone who contributed a total of more than \$200 for election advertising purposes in the period starting six months before the election was called and ending on election day, as well as the amount and date of their contributions. If the third party is unable to identify which contributions were received for election advertising purposes during that six months period, the third party must report the names and addresses of every contributor who donated a total of more than \$200 to it during that period. The third party must also report which of its own funds were used for election advertising purposes.

If a third party spends \$5,000 or more for election advertising it must appoint an auditor and provide him/her with access to its accounting records. The auditor cannot be the third party's financial agent. The auditor must examine the third party's election advertising report and give an opinion as to whether the report presents fairly the information contained in the accounting records on which it is based.

The election advertising report must be filed with the Chief Electoral Officer no later than four months after election day. The Chief Electoral Officer publishes the report.

8 How the legislation might be improved

General Approach

In June 2006 the Standards Commission wrote to the then Minister for the Environment, Heritage and Local Government, Mr Dick Roche TD to ascertain whether there were any proposals to amend the Act in the near future, and in particular the provisions of the Act relating to third parties. The Standards Commission was informed by the Minister that he was of the view that any substantial amendments to the Act should not be on "*a piecemeal basis*" and should be dealt with "*in a comprehensive way and the work progressed in consultation with the various interests involved and on a consensus basis*".

The Standards Commission agrees with such an approach. It considers that there should be a consultation process or regulatory impact analysis on the regulation of the funding of "political" campaigns which are organised by third parties. That process should also take account of the Charities Bill 2007 and the possibility that charities who may have an advocacy role could be subject to both the Charities legislation and to the Electoral Act.

The consultation process should establish whether all "political" campaigns should be covered by the relevant provisions of the Act or only those campaigns relating to elections or referendums. In considering this issue the Standards Commission has had regard to the fact that all of the main political parties qualify for State funding under the Act. While such funding may not be used to offset expenses incurred at an election or a referendum it may be used to promote a party's policies or views on a particular matter. The Standards Commission considers that it may not be reasonable to restrict under the Act the ability of a third party to fund a campaign, which might be opposing a policy of a particular political party, in circumstances where that party may legitimately be using state funding provided under the same Act to promote its policy. In that regard it is inclined to take the view that only campaigns relating to elections or referendums should be regulated.

Improvements required

In summary, the Standards Commission believes that the legislation might be improved in four particular areas:

1. Criteria for registration as a third party

If the activities of third parties are to be regulated effectively, then registration should be based on intention to incur expenditure in a particular election or referendum campaign rather than on the motivation of actual or potential donors.

2. Registration for a particular campaign

The legislation should allow for registration for a particular campaign or on an on-going basis.

3. Transparency in funding and expenditure on campaigns

Third parties and political parties should be required to disclose details of expenditure on referendum campaigns. Similarly, information should be made available on the sources of funding available to both third parties and political parties.

4. Sanctions for non-cooperation with the Standards Commission

The sanctions provided for under the legislation should be reviewed. In particular, failure to cooperate with enquiries made by the Standards Commission under section 4(4) of the Act should constitute an offence.

Some further details on each of these suggestions is given below:

1. Criteria for registration as a third Party

As stated in Chapter 5, a difficulty in supervising the current provisions of the Act is determining whether a contribution has been given for political purposes. For instance, an individual/group which applies funds from its own resources, membership fees or general contributions to finance a campaign at an election or referendum is not required to register as a third party. The Standards Commission considers that, regardless of how such a campaign is financed, similar rules should apply to any individual or group which is engaged in a campaign which seeks to influence the outcome of an election or a referendum. The requirement to register as a third party should arise, therefore, where expenses are incurred to finance such a campaign. If expenditure in excess of €5,000 is incurred on an election or referendum campaign an individual or group would be required to register with the Standards Commission and to account for the expenditure incurred. (At a referendum, a political party which intended to incur in excess of €5,000 would also be required to register.) The individual/group/political party would be required to show how a campaign is being funded. If donations were received to fund the campaign, the individual/group would be required to adhere to the disclosure and acceptance limits applying to political parties (if the campaign was related to a referendum) or to candidates (if the campaign was in the context of a Dáil, European or local election).

2. Registration for a particular campaign

The current provisions assume that individuals/groups which register as third parties remain in existence as third parties. In practice, the vast majority of third parties which register, do so for a particular campaign. In some cases third parties are existing groups which become involved in a "political" campaign. Others are groups which are established for a specific campaign. In most cases their "political" activity does not extend beyond the particular campaign for which they register.

The Standards Commission considers that individuals/groups should be allowed to register for either a particular campaign (i.e., a referendum or an election) or to register as a third party which intends to be politically active on an ongoing basis. Where a third party registers in relation to a particular campaign, the legislative requirements would only apply in relation to that particular campaign. The requirement to maintain a political donations account would end when the individual/group has furnished the relevant statutory documentation to the Standards Commission. Where a third party registers as being politically active on an ongoing basis, it would be required to maintain a political donations account and submit an annual return to the Standards Commission.

3. Transparency in the funding of campaigns

During the 2008 referendum, concerns were expressed about the lack of transparency in the financing of the referendum campaign by Libertas. There were calls for

Libertas to provide details of how it had funded its campaign. The Standards Commission considers that it might be unreasonable to expect third parties to show how an election or referendum campaign has been funded, if political parties and candidates at elections are not subject to the same scrutiny. While political parties and candidates must disclose details of donations above the relevant statutory disclosure thresholds, other details as to how campaigns were funded (e.g., own resources, loans, donations received which were below the disclosure threshold etc.) are not provided.

In its annual report for 2007, the Standards Commission stated that it is not known how political parties finance their election campaigns. It repeated its view that there is a strong case to be made for a new approach to the general funding of political parties and for increased transparency in such funding. It referred to the Committee of Ministers of the Council of Europe's approved set of common rules against corruption in the funding of political parties and electoral campaigns. It suggested that those recommendations should be implemented, i.e., that political parties keep proper books and accounts; that these accounts should specify all donations received by a political party; that details of donations over a certain value should be disclosed; and that party accounts should be presented at least annually to an independent authority.

4. Sanctions for non-cooperation with the Standards Commission

The Electoral Acts provide for a wide and varied range of offences. However, no offence is committed where a person fails to cooperate with or hinders enquiries made by the Standards Commission under section 4(4). On occasions, third parties have failed to cooperate with the Standards Commission. Such failure should constitute an offence.

Appendix

The following tables set out the various individuals/groups which the Standards Commission has contacted regarding a possible requirement to register as a third party. In respect of each year since 2002 the name of the individual / organisation concerned, the campaign in which they were engaged in and an indication of whether the individual / organisation registered as a third party is provided.

2002 - Abortion Referendum

Name of individual / organisation	Campaign	Registered / Did not register as a third party	Additional comments
Pro-life campaign	Abortion referendum	Registered	Not operating as a third party in 2003
Pro-life movement	Abortion referendum	Registered	Not operating as a third party in 2003
Irish Family Planning Association	Abortion referendum	Registered	Not operating as a third party in 2003
Pro-life Alliance	Abortion referendum	Registered	Not operating as a third party in 2003
Abortion Reform	Abortion referendum	Registered	Not operating as a third party in 2003
Éire ar son na Beatha	Abortion referendum	Registered	Not operating as a third party in 2003
Alliance for a no vote	Abortion referendum	Did not register	
Mother and Child Campaign	Abortion referendum	Did not register	
Youth Defence	Abortion referendum	Did not register	
Family Solidarity	Abortion referendum	Did not register	
Maynooth Life Society	Abortion referendum	Did not register	
European Life Network	Abortion referendum	Did not register	
Human Life International	Abortion referendum	Did not register	
Neart	Abortion referendum	Did not register	
Ms Nora Bennis	Abortion referendum	Did not register	
SPUC (UK)	Abortion referendum	Did not register	
Alliance for All Life	Abortion referendum	Did not register	

2002 - Dáil General Election

Name of individual / organisation	Campaign	Registered / Did not register as a third party	Additional comments
No Incineration Alliance	Dáil general election of 2002	Registered	Registered for incurring election expenses also. Still registered as a third party
N9 Action Group	Dáil general election of 2002	Registered	Registered for incurring election expenses also. Continued operating as a third party until 2006
Galway for Safe Environment	Dáil general election of 2002	Registered	Registered for incurring election expenses also. Not operating as a third party in 2003
Elect Carlow Candidates Organisation	Dáil general election of 2002	Registered	Registered for incurring election expenses also. Not operating as a third party in 2003
N9 / N10 Unified Group	Dáil general election of 2002	Did not register	Registered for incurring election expenses
Navan Lobby Group	Dáil general election of 2002	Did not register	Registered for incurring election expenses
Vote Local Vote Drogheda	Dáil general election of 2002	Did not register	Registered for incurring election expenses
Ballyfin Parents Council	Dáil general election of 2002	Did not register	Registered for incurring election expenses
Mr Michael Prendergast	Dáil general election of 2002	Did not register	Registered for incurring election expenses
Campaign Against Service Charges	Dáil general election of 2002	Did not register	Registered for incurring election expenses
Mr Joe McManus	Dáil general election of 2002	Did not register	Registered for incurring election expenses
Fluoride Free Water	Dáil general election of 2002	Did not register	Registered for incurring election expenses
Union of Students in Ireland	Dáil general election of 2002	Did not register	Registered for incurring election expenses
Focus Ireland	Dáil general election of 2002	Did not register	Registered for incurring election expenses
The Carers Association	Dáil general election of 2002	Did not register	Registered for incurring election expenses
Farmers Positive Action Group	Dáil general election of 2002	Did not register	
National Women's Council of Ireland	Dáil general election of 2002	Did not register	
Anti Fascist Action / Residents Against Racism	Dáil general election of 2002	Did not register	
Campaign Against the Bin Tax	Dáil general election of 2002	Did not register	
Amnesty International	Dáil general election of 2002	Did not register	
Ennis Chamber of Commerce	Dáil general election of 2002	Did not register	
MIJAG	Dáil general election of 2002	Did not register	

2002 - Nice Treaty referendum

Name of individual / organisation	Campaign	Registered / Did not register as a third party	Additional comments
Ireland for Europe	Nice Treaty Referendum	Registered	Not operating as a third party in 2003
Irish Alliance for Europe	Nice Treaty Referendum	Registered	Continued as a third party in 2003. Not operating as a third party in 2004
European Access Providers Ltd.	Nice Treaty Referendum	Registered	Not operating as a third party in 2003
IFSC for Yes	Nice Treaty Referendum	Registered	Continued as a third party in 2003. Not operating as a third party in 2004
No to Nice Campaign	Nice Treaty Referendum	Registered	Not operating as a third party in 2003
IBEC	Nice Treaty Referendum	Registered	Not operating as a third party in 2003
Disability Alliance for Europe	Nice Treaty Referendum	Registered	Continued as a third party in 2003. Not operating as a third party in 2004
Concerned Christians against Nice	Nice Treaty Referendum	Registered	Not operating as a third party in 2003
Equal in Europe	Nice Treaty Referendum	Registered	Not operating as a third party in 2003
The National Platform	Nice Treaty Referendum	Registered	Not operating as a third party in 2003
Mr Anthony Coughlan	Nice Treaty Referendum	Registered	Not operating as a third party in 2003
Immigration Control Platform	Nice Treaty Referendum	Registered	Still registered as a third party
Alliance against Nice	Nice Treaty Referendum	Registered	Not operating as a third party in 2003
Women for a Yes Vote	Nice Treaty Referendum	Registered	Not operating as a third party in 2003
Democrats against Nice	Nice Treaty Referendum	Registered	Continued as a third party in 2003. Not operating as a third party in 2004
Peace and Neutrality Alliance	Nice Treaty Referendum	Registered	Still registered as a third party
European Movement Ireland	Nice Treaty Referendum	Did not Register	
Afri	Nice Treaty Referendum	Did not Register	
Libertarians against Nice	Nice Treaty Referendum	Did not Register	
ICTU	Nice Treaty Referendum	Did not Register	
Dublin Chamber of Commerce	Nice Treaty Referendum	Did not Register	
Irish Farmers Association	Nice Treaty Referendum	Did not Register	
Cork Chamber of Commerce	Nice Treaty Referendum	Did not Register	

2003

Name of individual / organisation	Campaign	Registered / Did not register as a third party	Additional comments
Irish Hospitality Industry Alliance	Campaign for a compromise on Government proposals re smoking in the workplace	Registered	Not operating as a third party with effect from 1/1/06
Vintners Federation of Ireland	Campaign re Government proposals re smoking in the workplace	Did not Register	
Licensed Vintners Association	Campaign re Government proposals re smoking in the workplace	Did not Register	
MANDATE	Campaign re Government proposals re smoking in the workplace	Did not Register	
ASH Ireland	Campaign re Government proposals re smoking in the workplace	Did not Register	
Alliance for Insurance Reform	To combat escalating insurance costs	Did not Register	
Family & Life	Opposing the interests of the Labour Party	Did not Register	
Irish Home Builders Association	Advertisement campaign re development levies on new houses	Did not Register	
Campaign Against Service Charges	Campaign concerning waste management charges	Did not Register	
South Dublin Anti-Waste Charges Campaign	Campaign concerning waste management charges	Did not Register	
Campaign Against the Bin Tax	Campaign concerning waste management charges	Did not Register	

2004

Name of individual / organisation	Campaign	Registered / Did not register as a third party	Additional comments
NASC - The Irish Immigrant Support Centre Limited	Referendum on Irish Citizenship	Registered	Did not operate as a third party in 2005
Stop Bush Campaign	Opposition to invasion of Iraq	Registered	Did not operate as a third party in 2005
Irish Council for Civil Liberties	Campaigning for civil liberties	Registered	Did not operate as a third party in 2006
Campaign against the Racist Referendum	Referendum on Irish Citizenship	Did not Register	
Irish Citizens for Trustworthy e-voting	Campaign for a transparent system of e-voting	Did not Register	
Cork Harbour for A Safe Environment (CHASE)	Campaign of opposition to location of a waste incinerator	Did not Register	
Bottlehill Environmental Alliance	Campaign of opposition to location of waste facilities	Did not Register	
Wicklow Against Incineration	Campaign of opposition to location of waste facilities	Did not Register	
Friends of the Earth (Ireland)	Environmental Issues	Did not Register	
Mallow Hospital Co-ordinating Action Committee	Campaign in relation to Mallow General Hospital	Did not Register	
Irish Doctors' Environmental Association	Establishment of a Health Protection Agency	Did not Register	
Save Leitrim Campaign	Campaign to stop Leitrim being divided into two constituencies	Did not Register	

2004 - European and Local elections

Name of individual / organisation	Campaign	Registered / Did not register as a third party	Additional comments
Ennis General Hospital Development Committee	Campaign at European and Local elections 2004 opposing Hanly Report	Did not Register	Registered for incurring election expenses
Nenagh Hospital Action Group	Campaign at European and Local elections 2004 opposing Hanly Report	Did not Register	Registered for incurring election expenses
Health Services Action Group	Campaign at European and Local elections opposing the Hanly Report	Did not Register	
County Monaghan Community Alliance	Campaign at European and Local elections 2004 opposing Hanly Report	Did not Register	
Athy Urban Development Group	Campaigning at European and Local elections	Did not Register	
Workers and Unemployed Action Group	Supporting candidates at elections	Did not Register	

2005

Name of individual / organisation	Campaign	Registered / Did not register as a third party	Additional comments
Stop Salmon Drift Nets Now	Campaigning for a change in Government policy on drift net fishing	Registered	
National Association of Regional Game Councils	Campaign at Kildare North and Meath by-elections for a change in Government policy on drift net fishing	Did not Register	Registered for incurring election expenses
Federation of Irish Salmon & Sea Trout Anglers	Campaign at Kildare North and Meath by-elections for a change in Government policy on drift net fishing	Did not Register	Registered for incurring election expenses
Countryside Alliance Ireland	Campaign re Rural Issues	Did not Register	
Mid-West Parents and Friends of the Mentally Handicapped	Campaign in relation to the Disability Bill 2005	Did not Register	
Offaly & Kildare Anti-Incineration Group	Campaign of opposition in relation to Edenderry Power Station	Did not Register	
Food & Drink Industry of Ireland	Campaign for the retention of the Groceries Order	Did not Register	
Rolestown St. Margaret's Action Group	Opposition of location of prison at Thornton Hall	Did not Register	
Tara Heritage Preservation Group	Opposition to route of M3 roadway	Did not Register	
Save Tara / Skryne Valley Campaign	Opposition to route of M3 roadway	Did not Register	

2006

Name of individual / organisation	Campaign	Registered / Did not register as a third party	
Pro Life Campaign	Campaign to influence politicians' policies on certain right to life issues	Registered	
Independent Fianna Fáil	Supporting a candidate at elections	Did not Register	
Digital Rights Ireland Ltd.	Campaign in relation to data retention legislation	Did not Register	
Youth Defence	Campaign concerning embryo research	Did not Register	
Paddy Cosgrave	Campaign to encourage greater participation by young people in politics	Did not Register	
Shell to Sea Campaign	Campaign opposing location of a gas pipeline	Did not Register	
A New Heart for Dublin	Campaign to re-locate Dublin Port	Did not Register	
Barnardos	Campaign to insert children's rights into the Constitution	Did not Register	
Parental Equality	Campaign to promote Parental equality	Did not Register	

2007

Name of individual / organisation	Campaign	Registered / Did not register as a third party	Additional comments
General			
Stop Bush Campaign	Campaign opposing use of Shannon airport by US troops	Registered	
Iona Institute	Campaign to promote Christian values	Did not Register	
HEAT	Campaign to change policy on climate change	Did not Register	
Rural Alliance	Campaign re policies affecting rural Ireland	Did not Register	
Doctors Alliance	Campaign to promote the benefits of the public health system	Did not Register	

2007 - Dáil General Election

Name of individual / organisation	Campaign	Registered / Did not register as a third party	Additional comments
Pro Life Campaign	Campaign re right to life issues	Already Registered	Registered for incurring election expenses also
Rescue Seamount	Campaign re Seamount College	Did not Register	Registered for incurring election expenses
Union of Students in Ireland	Campaign highlighting education issues	Did not Register	Registered for incurring election expenses
Lough Swilly Marina	Campaign re Lough Swilly Marina project	Did not Register	Registered for incurring election expenses
Mr Dónal O'Driscoll	Campaign re protection of unborn life	Did not Register	Registered for incurring election expenses
Ennis General Hospital	Campaign re Ennis General Hospital.	Did not Register	Registered for incurring election expenses
Campaign to Save Tara	Campaign re M3 motorway	Did not Register	Registered for incurring election expenses
Keep Ireland Open	Campaign re access to the countryside	Did not Register	Completed an Election Expenses Statement re election expenses incurred
Kildare Town Chamber of Commerce	Campaign to highlight local issues	Did not Register	Completed an Election Expenses Statement re election expenses incurred
Mr Declan Waugh	Campaign re climate change	Did not Register	Completed an Election Expenses Statement re election expenses incurred
Galway for Life	Campaign re voting pro-life	Did not Register	Completed an Election Expenses Statement re election expenses incurred
People Before Profit Alliance	Promoting candidates at the general election	Did not Register	
Roscommon Hospital Action Committee	Campaign to promote a particular candidate	Did not Register	
National Women's Council of Ireland	Campaign to promote the interests of women	Did not Register	
Action on Suicide Alliance (3 T's)	Campaign highlighting the issues of suicide	Did not Register	
Advocates for Victims of Homicide (Advic)	Campaign re greater rights for victims of homicide	Did not Register	
Mr Mark Daly	Campaign to promote a particular candidate	Did not Register	
Gay Vote	Campaign highlighting gay issues	Did not Register	
Mallow General Hospital Action Committee	Campaign re Mallow General Hospital	Did not Register	

2008 - Referendum on the Treaty of Lisbon

Name of individual / organisation	Campaign	Registered / Did not register as a third party	Additional comments
Libertas	Lisbon Treaty	Registered on 13/12/07	
The Irish Alliance for Europe	Lisbon Treaty	Registered on 23/01/08	
Dublin Chamber of Commerce	Lisbon Treaty	Registered on 08/04/08	
CÓIR	Lisbon Treaty	Registered on 01/05/08	
The National Platform	Lisbon Treaty	Registered on 07/05/08	
Tipperary Against the Lisbon Treaty	Lisbon Treaty	Registered on 27/05/08	
Democratic Alliance	Lisbon Treaty	Registered on 28/05/08	
Campaign Against the EU Constitution	Lisbon Treaty	Registered on 06/06/08	
People's Movement	Lisbon Treaty	Did not Register	Informed 11/12/07 of requirement to register. No reply received.
Campaign for a "No Vote" (Website - e-mail address only)	Lisbon Treaty	Did not Register	Informed 16/01/08 of requirement to register. Confirmed on 10/10/08 that no donations were received.
JEF Europe	Lisbon Treaty	Did not Register	Advised on 28/02/08 that as JEF Europe is not based in this jurisdiction it is not required to register as a third party.
IBEC	Lisbon Treaty	Did not Register	Advised on 03/04/08 that as IBEC was using its own resources to fund its campaign it was not required to register.
We are Change Ireland (Website - e-mail address only)	Lisbon Treaty	Did not Register	Informed 16/04/08 of requirement to register. No reply received.
EU Reform	Lisbon Treaty	Did not Register	Informed 27/05/08 of requirement to register. No reply received.
Action from Ireland (Afri)	Lisbon Treaty	Did not Register	Informed 27/05/08 of requirement to register. Confirmed on 10/06 that it was not required to register.