

Seanad Bye-Election March 2022

**Report by the Standards in Public Office Commission to the Ceann
Comhairle
pursuant to the Electoral Act 1997**



**Coimisiún um Chaighdeán in Oifigí Poiblí
Standards in Public Office Commission**

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Foreword

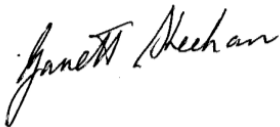
I am pleased to present this report on donations at the 2022 Seanad bye-election to the Ceann Comhairle, in accordance with section 4(1) of the *Electoral Act 1997* (the Act).

Donation statements and statutory declarations referred to in the report were provided to the Standards Commission (the Commission) pursuant to section 24 of the Act. Certificates of monetary donations/statutory declarations and statements from financial institutions were provided pursuant to section 23B of the Act.

Detailed information about the requirements of the legislation relating to:

- disclosure of political donations,
- limits on the values of donations which may be accepted,
- prohibited donations, and
- tax clearance requirements

is contained in the Commission's Guidelines for the Seanad Bye-Election March 2022, which are available on www.sipo.ie.



Garrett Sheehan

Chairperson

Standards in Public Office Commission

Chapter 1: Introduction

Darragh O'Brien TD, Minister for Housing, Local Government and Heritage, announced on 27 January 2022 an order directing that a bye-election be held to fill a vacancy in Seanad Éireann. The vacancy arose from the election of Ivana Bacik TD to Dáil Éireann. The electorate is comprised of graduates of the University of Dublin. Polls closed at 11am on Wednesday 30 March 2022.

The Act provides for the disclosure of donations to candidates at a Seanad bye-election. There are no limits on spending at a Seanad election.

Unsuccessful candidates at the Seanad bye-election were required, within 56 days of the poll closing (i.e. 25 May 2022), to furnish to the Commission a donation statement and accompanying documentation. They were required to disclose donations valued over €600.

As a member of Seanad Éireann, the successful candidate at the bye-election must furnish an annual donation statement and accompanying documentation to the Commission by 31 January 2023 as part of the annual disclosure cycle for sitting members of the Oireachtas. These donation statements must include details of any donations received during 2022, including those received in relation to the bye-election.

Accordingly, this report deals only with the disclosure of donations by unsuccessful candidates at the election.

The Commission had regard to the guidelines it issued in advance of the Seanad bye-election and it examined all statements received to ensure compliance with both the guidelines and the legislation.

Chapter 2: Disclosure of donations by unsuccessful candidates

2.1 Donation statements and certificates of monetary donations received from unsuccessful candidates

Unsuccessful candidates must furnish a donation statement to the Commission within 56 days after polling day. The donation statement must give details of all donations received in relation to the election with a value greater than €600.

A certificate of monetary donations must also be supplied to the Commission within 56 days after polling day, certifying that all monetary donations received were lodged to the candidate's political donations account and that all amounts debited from the account were used for political purposes. The certificate of monetary donations and donation statement must be signed by the candidate and accompanied by a statutory declaration and/or statement from a financial institution.

Completed donation statements and certificates of monetary donations were required to be returned to the Commission by 25 May 2022 by the following candidates:

Eoin Barry
Ray Bassett
Hazel Chu
Maureen Gaffney
Hugo MacNeill
Aubrey McCarthy
Michael McDermott
Patricia McKenna
Sadhbh O'Neill
Ali O'Shea
Ryan Alberto Ó Giobúin
Ade Oluborode
Ursula Quill
Paula Roseingrave
Gisèle Scanlon
Catherine Stocker

2.2 Donations disclosed

The Commission considered the donation statements furnished by each of the unsuccessful candidates at the Seanad bye-election.

While candidates may also receive donations of lesser amounts, only those above the statutory declaration threshold fall to be disclosed to the Commission. The amounts set out in this report, therefore, only reflect donations received that were above the declaration threshold, and are not accounting for all donations received.

Sections 23A(1)(i) and (ii) of the Act provide that, where a donation exceeding the permissible limit is received, then the donation must be returned to the donor or, if it is a monetary donation, the part of it exceeding the limit must be returned to the donor, within 14 days of receipt. A written record of the return must be kept for the purpose of it being provided to the Commission, if required; or the recipient of the donation must notify the Commission of receipt of the donation within 14 days and remit the donation or the value thereof to the Commission. In the case of a monetary donation, the part of it exceeding the limit must be returned or remitted.

One unsuccessful candidate in the election received an excess donation. The candidate was informed of the issue and advised to return or remit the excess amount.

Declarable donations disclosed by the unsuccessful candidates at the election amounted to €6,950 as summarised in the following table.

Table 1: Declarable donations disclosed by unsuccessful candidates

Candidate	Party	Number of donations	Value of Donations €	Donations returned to donors €
Bassett, Ray	Non-Party	1	1,200	200
McCarthy, Aubrey	Non-Party	2	2,000	--
O'Neill, Sadhbh	Non-Party	1	1,000	--
Quill, Ursula	Non-Party	1	750	--
Stocker, Catherine	Non-Party	2	2,000	--
Total			6,950	200

Chapter 3: Publishing of donation statements provided to the Commission

In accordance with section 24(7)(a) of the Act, an electronic copy of each donation statement received by the Commission from unsuccessful candidates at the Seanad bye-election has been laid before each House of the Oireachtas.

The donation statements received are now available on the Commission's website. A copy of this report and accompanying press release are also available on the Commission's website, www.sipo.ie.

Certificates of monetary donations, statutory declarations and accompanying bank statements are not required to be laid before the Houses and are not available for public inspection as per Section 23B(8) of the Electoral Act 1997.