

# **Seanad Bye-Elections April 2021**

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



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

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September 2021

## Foreword

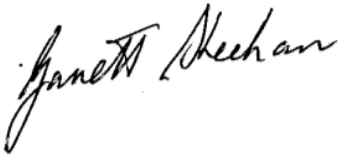
I am pleased to present this report on donations at the 2021 Seanad bye-elections to the Chairman of Dáil Éireann (Ceann Comhairle), in accordance with section 4(1) of the *Electoral Act 1997*, as amended (the Act).

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-Elections 2021*, which are available on [www.sipo.ie](http://www.sipo.ie).



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Garrett Sheehan  
Chairperson  
Standards in Public Office Commission  
September 2021

## Chapter 1: Introduction

Darragh O'Brien TD, Minister for Housing, Local Government and Heritage, announced on 3 March 2021 an order directing that bye-elections be held to fill two vacancies in Seanad Éireann. The vacancies arose from the resignations of Senator Michael D'Arcy and Senator Elisha McCallion. Senator D'Arcy had been elected from the Oireachtas Nominating Bodies Sub-Panel of the Agricultural Panel in the Seanad election in March 2020. Senator McCallion had been elected from the Oireachtas Sub-Panel of the Industrial and Commercial Panel, also in March 2020. Serving members of Dáil Éireann and Seanad Éireann were entitled to vote in the bye-elections, which filled the vacancies arising in the above-noted panels. Polls closed at 11am on Friday 21 April 2021.

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. 16 June 2021), to furnish to the Commission a donation statement and accompanying documentation. They were required to disclose donations valued over €600.

As members of Seanad Éireann, the successful candidates at the bye-election must furnish an annual donation statement and accompanying documentation to the Commission by 31 January 2022 as part of the annual disclosure cycle for sitting members of the Oireachtas. These donation statements must include details of any donations received during 2021, including those received in relation to the bye-election.

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

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. Based on the information received, the Commission has no evidence that any prohibited donations were received by candidates.

## 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 16 June 2021.

<b>Agriculture Panel</b>	<b>Industry and Commerce Panel</b>
Maria Byrne (Elected)	Ciarán Ahern
Angela Feeney	Hazel Chu
Ian Marshall	Gerry Horkan (Elected)
	Billy Lawless

### 2.2 Donations disclosed

The Commission considered the donation statements furnished by each of the unsuccessful candidates at the Seanad bye-elections. There were no donations disclosed by any candidate.

## 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-elections has been laid before each House of the Oireachtas.

The donation statements are available on the Oireachtas website at [www.oireachtas.ie](http://www.oireachtas.ie) and on the Commission's website at [www.sipo.ie](http://www.sipo.ie).

Section 73 of the Act requires that the donation statements received by the Commission be made available for public inspection at its offices at 6 Earlsfort Terrace, Dublin 2, D02 W773. In light of the current COVID-19 pandemic, the Commission's offices are closed to callers. It is therefore not possible to provide for public inspection in person. Copies can be made available on application to the Commission via email at [info@sipo.ie](mailto:info@sipo.ie) or by telephone at (01) 639-5666.

## **Corrthoghcháin an tSeanaid, Aibreán 2021**

**Tuairisc ón gCoimisiún um Chaighdeáin in Oifigí  
Poiblí chuig an gCeann Comhairle de bhun  
Acht Toghcháin 1997, arna leasú.**



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

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Meán Fómhair 2021

## Réamhrá

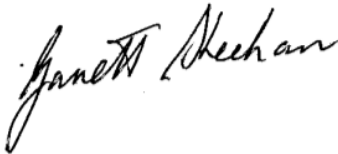
Tá áthas orm an tuairisc seo ar thabhartas ag corrthoghcháin an tSeanaid 2021 a chur i láthair go dtí an cathaoirleach de Dháil Éireann (Ceann Comhairle), i gcomhréir le cuid 4 (1) den *Acht Toghcháin 1997*, arna leasú (an tAcht).

Soláthraíodh aon ráitis tabhartais agus dearbhuithe reachtúil tagartha sa tuairisc go dtí an Coimisiún um Chaighdeáin (an Coimisiún) de bhun cuid 24 den Acht. Soláthraíodh teastais de thabhartais airgeadaíochta/dearbhuithe reachtúil agus ráitis ó institiúidí airgeadais de bhun cuid 23B den Acht.

Faighítear eolas breise faoi riachtanais na reachtaíochta maidir le:

- nochtadh an tabhartais polaitíochta
- teorainneacha ar luachanna na dtabhartas a ghlactar leis
- tabhartais coiscthe, agus
- riachtanais imréitigh cánach

i dTreoirínte an Choimisiúin do Corrthoghcháin an tSeanaid 2021, ar fáil ar [www.sipo.ie](http://www.sipo.ie).



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Garrett Sheehan  
Cathaoirleach  
Coimisiún um Chaighdeáin in Oifigí Poiblí  
Meán Fómhair 2021

## Caibidil 1: Intreoir

D'fhógair Darragh O'Brien TD, an tAire Tithíochta, Rialtais Áitiúil agus Oidhreachta ordú ar an 3ú Márta 2021 ag iarraidh go mbeidh corrthoghcháin chun dhá fholúntas a líonadh i Seanad Éireann. Tharla na folúntais toisc gur éirigh an Seanadóir Micheal D'Arcy agus Seanadóir Éilis McCallion as. Toghadh Seanadóir D'Arcy ó Fho-Phainéal Oireachtas na gComhlachtaí Ainmniúcháin den Phainéal Talmhaíochta i dtoghchán an tSeanaid i mí an Mhárta 2020. Toghadh Seanadóir McCallion ó Fho-Phainéal an Phainéil Tionsclaíochta agus Tráchtála, i mí an Mhárta 2020 freisin. Bhí sé i dteideal ag bail reatha de Dháil Éireann agus Seanad Éireann vótáil sna corrthoghcháin agus na folúntais sna painéil thuasluaite a líonadh. Chríochnaigh an vótáil ag 11am ar Aoine, 21ú d'Aibreán 2021.

Soláthraíonn an tAcht do nochtadh an tabhartais d'iarrthóirí ag corrthoghchán an tSeanaid. Níl teorainneacha ar chaitheamh ag corrthoghchán an tSeanaid.

Ní mór d'iarrthóirí neamhrathúla ag corrthoghchán an tSeanaid ráiteas tabhartais agus cáipéisíocht ábhartha a thabhairt don Choimisiún laistigh de 56 lá de chríoch na vótála (16ú de Mheitheamh 2021). Bhí orthu tabhartais le luach thar €600 a thabhairt.

Mar bhaill de Sheanad Éireann, ní mór d'iarrthóirí rathúla ráiteas tabhartais bhliantúil agus cáipéisíocht ábhartha a thabhairt don Choimisiún roimh an 31ú d'Eanáir 2022 mar chuid den timtriall nocht bhliantúil le haghaidh bail reatha den Oireachtas. Ní mór do na ráitis tabhartais seo sonraí d'aon thabhartais faighte i 2021 a léiriú, iadsan faighte maidir leis an gcorrthoghchán san áireamh.

Dá réir sin, déileálann an tuairisc seo le nochtadh na dtabhartas ó iarrthóirí neamhrathúla ag na toghcháin amháin.

Bhí meas ag an gCoimisiún do na treoirlínte a d'eisigh sé roimh chorrthoghchán an tSeanaid agus scrúdaigh sé na ráitis go léir faighte chun comhlíonadh leis na treoirlínte agus an reachtaíocht a chinntiú. Bunaithe ar an eolas faighte, níl aon fhianaise ag an gCoimisiún go raibh tabhartais coiscthe faighte ag iarrthóirí.



## Caibidil 2: Nochtadh na dtabhartas ó iarrthóirí neamhrathúla

### 2.1 Ráitis tabhartais agus teastais de thabhartais airgeadaíochta faighte ó iarrthóirí neamhrathúla.

Ní mór d'iarrthóirí neamhrathúla ráiteas tabhartais a thabhairt don Choimisiún laistigh de 56 lá tar éis lá na vótála. Ní mór don ráiteas tabhartais sonraí a thabhairt de na tabhartais go léir faighte maidir leis an toghchán le luach níos mó ná €600.

Ní mór teastas de thabhartais airgeadaíochta a thabhairt don Choimisiún freisin laistigh de 56 lá tar éis lá na vótála, ag deimhniú gur lóisteáil siad na tabhartais airgeadaíochta go léir faighte i gcuntas tabhartais polaitíochta an iarrthóra agus go raibh na méideanna go léir bainte as an gcuntas úsáidte le haghaidh cuspóirí polaitíochta. Ba chóir don iarrthóir an teastas de thabhartais airgeadaíochta agus ráiteas tabhartais a shíniú agus dearbhú reachtúil agus/nó ráiteas ó institiúid airgeadais a bheith in éineacht leis.

Ní mór ráitis tabhartais agus teastais de thabhartais airgeadaíochta atá críochnaithe a thabhairt ar ais don Choimisiún roimh an 16ú de Mheitheamh 2021.

<b>Painéal Talmhaíochta</b>	<b>Painéal Tionsclaíochta agus Tráchtála</b>
Maria Byrne (Tofa)	Ciarán Ahern
Angela Feeney	Hazel Chu
Ian Marshall	Gerry Horkan (Tofa)
	Billy Lawless

### 2.2 Tabhartais nochtá

Mheas an Coimisiún gur thug na hiarrthóirí neamhrathúla na ráiteas tabhartais go léir ag corrhoghcháin an tSeanaid. Ní raibh aon tabhartais nochtá ag aon iarrthóir.

## Caibidil 3: Foilsitheoireacht na ráiteas tabhartais curtha ar fáil don Choimisiún.

I gcomhréir le cuid 24 (7)(a) den Acht, cuireadh cóip leictreonach de gach ráiteas tabhartais faighte ag an gCoimisiún ó iarrthóirí neamhrathúla ag corrthoghcháin an tSeanaid os comhair gach Teach den Oireachtas.

Tá na ráitis tabhartais seo ar fáil ar shuíomh gréasáin an Oireachtais ag [www.oireachtas.ie](http://www.oireachtas.ie) agus ar shuíomh gréasáin an Choimisiúin ag [www.sipo.ie](http://www.sipo.ie).

Dar le Cuid 73 den Acht, ní mór ráitis tabhartais a fhaigheann an Coimisiún a chur ar fáil do chigireacht phoiblí ag a oifigí ag 6 Ardán Phort an Iarla, Baile Átha Cliath 2, D02 W773. De bharr na paindéime COVID-19 faoi láthair, tá oifigí an Choimisiúin dúnta do ghlaiteoirí. Níl sé indéanta, mar sin, cigireacht phoiblí a sholáthar aghaidh ar aghaidh. Is féidir cóipeanna a chur ar fáil má dhéantar iarratas don Choimisiún trí ríomhphost ag [info@sipo.ie](mailto:info@sipo.ie) nó ar an bhfón ag (01) 639-5666.