



SEANAD ÉIREANN

AN BILLE TOGHCHÁIN (LEASÚ) (MAOINIÚ POLAITÍOCHTA), 2011 ELECTORAL (AMENDMENT) (POLITICAL FUNDING) BILL 2011

LEASUITHE A RINNE AN DÁIL AMENDMENTS MADE BY THE DÁIL

SEANAD ÉIREANN

AN BILLE TOGHCHÁIN (LEASÚ) (MAOINIÚ POLAITÍOCHTA), 2011
[BILLE SEANAID ARNA LEASÚ AG AN DÁIL]

ELECTORAL (AMENDMENT) (POLITICAL FUNDING) BILL 2011
[SEANAD BILL AMENDED BY THE DÁIL]

*Leasuithe a rinne an Dáil
Amendments made by the Dáil*

[The page and line references in this list of amendments are to the text of the Bill as passed by Seanad Éireann]

SECTION 1

1. In page 5, subsection (2), line 23, “2011” deleted and “2012” substituted.

SECTION 3

2. In page 6, between lines 7 and 8, the following new part inserted:

“PART 2*

AMENDMENT OF ELECTORAL ACT 1992

Amendment of
section 25 of Act of
1992.

- 3.—Section 25 (amended by section 11 of the Act of 2001) of the Act of 1992 is amended—

(a) in subsection (7)—

- (i) by substituting the following paragraphs for paragraphs (f) and (g):

“(f) where the party is registered as organised to contest elections in a specified part of the State, a reference to that fact and to the part of the State concerned,

(g) the name of any political group in accordance with subsection (8), and”,

and

- (ii) by inserting the following new paragraph after paragraph (g):

“(h) the name and address of each accounting unit of the political party and the name and address of the responsible person or persons of the accounting unit.”,

and

- (b) by inserting the following new subsection after subsection (9):

“(10) In this section and section 25A ‘accounting unit’ and ‘responsible person’ have the same meaning as they have in section 22 of the Electoral Act 1997.”.

[*The proposed new Part comprehended the inclusion of amendment Nos. 2 and 3.]

3. In page 6, between lines 7 and 8, the following new section inserted:

“Amendment of section 25A of Act of 1992.

4.—Section 25A (inserted by section 11 of the Act of 2001) of the Act of 1992 is amended by inserting the following new subsection after subsection (4):

“(4A) (a) when replying to an inquiry under subsection (4) the officer of the party shall provide the Registrar with the name and address of each accounting unit of the political party and the name and address of the responsible person or persons of the accounting unit, including any changes that have occurred during the period from when the particulars were last provided to the Registrar,

(b) the Registrar shall enter the particulars provided under paragraph (a) in the Register.”.”.

SECTION 5

4. In page 7, lines 1 to 11, paragraph (b) deleted, and the following substituted:

“(b) in paragraph (aa) (inserted by section 49(b)(ii) of the Act of 2001) by—

(i) substituting “€100” for “£100” in the definition of “accounting unit”,

(ii) substituting “€100” for “£100” in the definition of “third party”, and

(iii) inserting the following definitions:

“ ‘company’ means a company established under the Companies Acts;

‘corporate donor’ means—

(i) a body corporate,

(ii) an unincorporated body of persons, or

(iii) a trust,

which makes a donation, and for the purpose of this definition a body corporate and any subsidiary thereof shall be deemed to be one person;”.”.

SECTION 6

5. In page 7, before section 6, the following new section inserted:

“Amendment of section 23 of Act of 1997.

6.—Section 23 (amended by section 49(c) of the Act of 2001) of the Act of 1997 is amended in subsection (1) by substituting “€100” for “£100”.”.

6. In page 7, lines 12 to 15, section 6 deleted and the following new section substituted:

“Amendment of section 23A of Act of 1997.

6.—Section 23A (inserted by section 49(d) of the Act of 2001) of the Act of 1997 is amended by substituting the following subsection for subsection (1):

“(1) Without prejudice to subsection (2), none of the following persons, namely—

- (a) a member of either House of the Oireachtas,
- (b) a member of the European Parliament,
- (c) a candidate at a Dáil, Seanad or European election,
- (d) a political party,
- (e) a third party, or
- (f) an accounting unit,

shall, directly or through any intermediary, accept from a particular person in a particular year—

- (i) a donation the value of which exceeds, in case the first-mentioned person falls within paragraph (a), (b), or (c), €1,000,
- (ii) a donation the value of which exceeds, in case the first-mentioned person falls within paragraph (d), (e), or (f), €2,500, or
- (iii) a donation of cash of an amount which exceeds €200.”.”.

SECTION 8

7. In page 9, before section 8, the following new section inserted:

“Donations by intermediaries.

8.—The Act of 1997 is amended by inserting the following new section after section 23AA (inserted by *section 7* of the *Electoral (Amendment) (Political Funding) Act 2012*):

“23AB.—A person who makes a donation on behalf of another person shall notify in writing—

- (a) the member of either House of the Oireachtas,
- (b) the member of the European Parliament,
- (c) the candidate at a Dáil, Seanad or European election,
- (d) the political party,
- (e) the third party, or
- (f) the accounting unit,

to whom the donation is made—

- (i) that the donation is made on behalf of a person other than the person making the donation, and
- (ii) the name, description and postal address of the person on whose behalf the donation is made.”.”.

8. In page 9, before section 8, the following new section inserted:

“Amendment of section 23B of Act of 1997.

9.—Section 23B (inserted by section 49(d) of the Act of 2001) of the Act of 1997 is amended in subsection (1) by substituting “€100” for “£100”.”.

9. In page 9, before section 8, the following new section inserted:

“Amendment of section 23C of Act of 1997.

10.—Section 23C (inserted by section 49(d) of the Act of 2001) of the Act of 1997 is amended by substituting “€100” for “£100”.”.

SECTION 9

10. In page 13, between lines 4 and 5, the following inserted:

“(a) in paragraph (a) of subsection (1)—

(i) by substituting the following subparagraphs for subparagraphs (i) and (ii):

“(i) the value of the donation,

(ii) the name, description and postal address of the person by or on whose behalf the donation was made,”

and

(ii) by inserting the following subparagraphs after subparagraph (ii):

“(iii) the date on which the donation was received,

(iv) whether the donation was requested from the donor, and if so, the name and postal address of the person who requested the donation, and

(v) whether a receipt issued to the donor in respect of the donation, and if so, the date on which the receipt issued and the name of the person who issued the receipt.”.

11. In page 13, between lines 7 and 8, the following inserted:

“(b) in subsection (2)—

(i) in paragraph (a) by substituting “(i) to (v)” for “(i) and (ii)”, and

(ii) in paragraph (b) by substituting “(i) to (v)” for “(i) and (ii)”

and”.”.

SECTION 10

12. In page 13, line 31 deleted and the following substituted:

“2012) which is false or misleading in any material respect.

(1E) A person shall be guilty of an offence if he or she—

(a) contravenes section 23AB (inserted by section 11 of the *Electoral (Amendment) (Political Funding) Act 2012*), or

(b) knowingly furnishes information under section 23AB which is false or misleading in any material respect.”.”.

13. In page 13, line 33, paragraph (c), “(1C) or (1D)” deleted and “(1C), (1D), or (1E)(b)” substituted.

SECTION 12

14. In page 13, lines 40 to 42 and in page 14 lines 1 to 9, section 12 deleted and the following substituted:

“Amendment of section 46 of Act of 1997.

12.—Section 46(2) of the Act of 1997 is amended in paragraph (aa) (inserted by section 49(f) of the Act of 2001) by—

(a) substituting “€100” for “£100” in the definition of “third party”, and

(b) inserting the following definitions:

“ ‘company’ means a company established under the Companies Acts;

‘corporate donor’ means—

(a) a body corporate,

(b) an unincorporated body of persons, or

(c) a trust,

which makes a donation, and for the purposes of this definition a body corporate and any subsidiary thereof shall be deemed to be one person;”.”.

SECTION 13

15. In page 14, before section 13, the following new section inserted:

“Amendment of section 47 of Act of 1997.

13.—Section 47 (amended by section 49(g) of the Act of 2001) of the Act of 1997 is amended in subsection (1) by substituting “€100” for “£100”.”.

16. In page 14, lines 10 and 11, section 13 deleted and the following substituted:

“Amendment of section 48 of Act of 1997.

13.—Section 48 of the Act of 1997 is amended in subsection (1)—

(a) by substituting “€600” for “£500”,

(b) by substituting the following paragraphs for paragraphs (a) and (b):

“(a) the value of the donation,

(b) the name, description and postal address of the person by or on whose behalf the donation was made,”,

and

(c) by inserting the following paragraphs after paragraph (b):

“(c) the date on which the donation was received,

- (d) whether the donation was requested from the donor, and if so, the name and postal address of the person who requested the donation, and
- (e) whether a receipt issued to the donor in respect of the donation, and if so, the date on which the receipt issued and the name of the person who issued the receipt.”.”.

SECTION 14

17. In page 14, lines 12 to 15, section 14 deleted and the following substituted:

“Amendment of section 48A of Act of 1997.

14.—Section 48A (inserted by section 49(h) of the Act of 2001) of the Act of 1997 is amended by substituting the following subsection for subsection (1):

“(1) Without prejudice to subsection (2), none of the following persons, namely—

- (a) a candidate,
- (b) a presidential election agent, or
- (c) a third party at a presidential election,

shall directly or through any intermediary, accept from a particular person in a particular year—

- (i) a donation the value of which exceeds, in case the first-mentioned person falls within paragraph (a) or (b), €1,000,
- (ii) a donation the value of which exceeds, in case the first-mentioned person falls within paragraph (c), €2,500, or
- (iii) a donation of cash of an amount which exceeds €200.”.”.

SECTION 16

18. In page 16, before section 16, the following new section inserted:

“Donations by intermediaries at presidential election.

16.—The Act of 1997 is amended by inserting the following new section after section 48AA (inserted by *section 15* of the *Electoral (Amendment)(Political Funding) Act 2012*):

“48AB.—A person who makes a donation on behalf of another person shall notify in writing—

- (a) the candidate,
- (b) the presidential election agent, or
- (c) the third party at a presidential election,

to whom the donation is made—

- (i) that the donation is made on behalf of a person other than the person making the donation, and
- (ii) the name, description and postal address of the person on whose behalf the donation is made.”.”.

19. In page 16, before section 16, the following new section inserted:

“Amendment of section 48B of Act of 1997.

17.—Section 48B (inserted by section 49(*h*) of the Act of 2001) of the Act of 1997 is amended in subsection (1) by substituting “€100” for “£100”.”.

20. In page 16, before section 16, the following new section inserted:

“Amendment of section 48C of Act of 1997.

18.—Section 48C (inserted by section 49(*h*) of the Act of 2001) of the Act of 1997 is amended by substituting “€100” for “£100”.”.

21. In page 16, lines 18 to 23, paragraph (*b*) deleted and the following substituted:

“(b) by inserting the following subsections after subsection (2):

“(2A) A person shall be guilty of an offence if he or she knowingly furnishes a statement referred to in section 48AA(1)(ii) (inserted by section 15 of the *Electoral (Amendment)(Political Funding) Act 2012*) which is false or misleading in any material respect.

(2B) A person shall be guilty of an offence if he or she—

(a) contravenes section 48AB (inserted by section 23 of the *Electoral (Amendment) (Political Funding) Act 2012*), or

(b) knowingly furnishes information under section 48AB which is false or misleading in any material respect.”.”.

22. In page 16, line 26, paragraph (*c*), “subsection (2A)” deleted and “subsection (2A), (2B)(b)” substituted.

SECTION 20

23. In page 17, lines 9 to 22, section 20 deleted and the following substituted:

“Amendment of section 19A of Act of 1999.

20.—Section 19A (inserted by section 58(*m*) of the Act of 2001) of the Act of 1999 is amended by—

(a) substituting “€100” for “£100” in the definition of “third party”, and

(b) inserting the following definitions:

“ ‘company’ means a company established under the Companies Acts;

‘corporate donor’ means—

(a) a body corporate,

(b) an unincorporated body of persons, or

(c) a trust,

which makes a donation, and for the purposes of this definition a body corporate and any subsidiary thereof shall be deemed to be one person;

‘register of corporate donors’ means the register established under section 23D (inserted by *section 8* of the *Electoral (Amendment) (Political Funding) Act 2012*) of the Act of 1997;”.

SECTION 21

24. In page 17, line 23, after “2001”, “of the Act of 1999” inserted.

25. In page 17, lines 25 to 30, paragraph (a) deleted and the following substituted:

“(a) by substituting the following subsection for subsection (1):

“(1) (a) Without prejudice to subsection (2) a candidate at an election shall not, directly or through any intermediary, accept in connection with the election from a particular person—

(i) a donation the value of which exceeds €1,000, or

(ii) a donation of cash of an amount which exceeds €200.

(b) Without prejudice to subsection (2), none of the following persons, namely—

(i) a member of a local authority,

(ii) a political party, or

(iii) a third party,

shall, directly or through any intermediary, accept from a particular person in a particular year—

(I) a donation the value of which exceeds, in case the first-mentioned person falls within subparagraph (i), €1,000,

(II) a donation the value of which exceeds, in case the first-mentioned person falls within subparagraph (ii) or (iii), €2,500, or

(III) a donation of cash of an amount which exceeds €200.”.

SECTION 23

26. In page 20, before section 23, the following new section inserted:

“Donations by intermediaries.

23.—The Act of 1999 is amended by inserting the following new section after section 19BB (inserted by *section 22* of the *Electoral (Amendment)(Political Funding) Act 2012*):

“19BC.—(1) A person who makes a donation on behalf of another person shall notify in writing the candidate at an election to whom the donation is made—

(a) that the donation is made on behalf of a person other than the person making the donation, and

(b) the name, description and postal address of the person on whose behalf the donation is made.

(2) A person who makes a donation on behalf of another person shall notify in writing—

- (a) the member of a local authority,
- (b) the political party, or
- (c) the third party,

to whom the donation is made—

- (i) that the donation is made on behalf of a person other than the person making the donation, and
- (ii) the name, description and postal address of the person on whose behalf the donation is made.”.”.

SECTION 24

27. In page 20, before section 24, the following new section inserted:

“Amendment of section 19D of Act of 1999.

24.—Section 19D (inserted by section 58(*m*) of the Act of 2001) of the Act of 1999 is amended in subsection (1) by substituting “€100” for “£100”.”.

28. In page 20, lines 11 to 13, section 24 deleted and the following substituted:

“Amendment of section 19E of Act of 1999.

24.—Subsection (1) of section 19E (inserted by section 58(*m*) of the Act of 2001) of the Act of 1999 is amended—

- (a) by substituting “€600” for “£500”,
- (b) by substituting the following subparagraphs for subparagraphs (i) and (ii):
 - “(i) the value of the donation,
 - (ii) the name, description and postal address of the person by or on whose behalf the donation was made,”,

and

- (c) by inserting the following subparagraphs after subparagraph (ii):

- “(iii) the date on which the donation was received,
- (iv) whether the donation was requested from the donor, and if so, the name and postal address of the person who requested the donation, and
- (v) whether a receipt issued to the donor in respect of the donation, and if so, the date on which the receipt issued and the name of the person who issued the receipt.”.”.

SECTION 25

29. In page 20, before section 25, the following new section inserted:

“Amendment of section 19F of Act of 1999.

25.—Section 19F (inserted by section 58(*m*) of the Act of 2001) of the Act of 1999 is amended in subsection (1) by substituting “€100” for “£100”.”.

30. In page 20, before section 25, the following new section inserted:

“Amendment of section 19G of Act of 1999.

26.—Section 19G (inserted by section 58(m) of the Act of 2001) of the Act of 1999 is amended by substituting “€100” for “£100”.”.

31. In page 20, lines 21 to 29 deleted and the following substituted:

“(iii) by inserting the following new paragraphs after paragraph (b):

“(bb) knowingly furnishes a statement referred to in subparagraph (ii) of section 19BB(1)(a) or clause (II) of section 19BB (1)(b) (inserted by *section 22 of the Electoral (Amendment) (Political Funding) Act 2012*) which is false or misleading in any material respect,

(bc) contravenes section 19BC(1) or (2) (inserted by *section 33 of the Electoral (Amendment) (Political Funding) Act 2012*),

(bd) knowingly furnishes information under section 19BC (1) or (2) which is false or misleading in any material respect,”.”.

32. In page 20, line 34, paragraph (b)(i), “19BB, 19D” deleted and “19BB, 19BC, 19D” substituted.

33. In page 20, line 36, paragraph (b)(ii), “(4B)(bb)” deleted and “(4B)(bb), (4B)(bd)” substituted.