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**An Bille Toghcháin (Leasú) (Binse Moriarty), 2015**  
**Electoral (Amendment) (Moriarty Tribunal) Bill 2015**

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*Mar a tionscnaíodh*

*As initiated*

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**AN BILLE TOGHCHÁIN (LEASÚ) (BINSE MORIARTY), 2015  
ELECTORAL (AMENDMENT) (MORIARTY TRIBUNAL) BILL 2015**

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CONTENTS

PART 1

PRELIMINARY AND GENERAL

Section

1. Short title and commencement
2. Interpretation

PART 2

AMENDMENT OF ELECTORAL ACT 1997

3. Amendment of Part IV of Act of 1997
4. Amendment of section 24(1) of Act of 1997
5. Amendment of section 25 of Act of 1997
6. Amendment of section 48(1) of Act of 1997
7. Amendment of Part IX of Act of 1997

PART 3

AMENDMENT OF LOCAL ELECTIONS (DISCLOSURE OF DONATIONS AND EXPENDITURE) ACT 1999

8. Amendment of section 19E of Act of 1999

PART 4

AMENDMENT OF ETHICS IN PUBLIC OFFICE ACT 1995

9. Amendment of Part III of Act of 1995

ACTS REFERRED TO

Electoral (Amendment) (Political Funding) Act 2012 (No. 36)

Electoral Act 1997 (No. 25)

Electoral, Local Government and Planning and Development Act 2013 (No. 27)

Ethics in Public Office Act 1995 (No. 22)

Local Elections (Disclosure of Donations and Expenditure) Act 1999 (No. 7)



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**AN BILLE TOGHCHÁIN (LEASÚ) (BINSE MORIARTY), 2015  
ELECTORAL (AMENDMENT) (MORIARTY TRIBUNAL) BILL 2015**

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# Bill

*entitled*

An Act to provide for the implementation of the findings of the Moriarty Tribunal, to provide for an increased level of transparency in respect of the funding of political parties and independent candidates, for that purpose to amend the Electoral Act 1997 and other enactments, and to provide for related matters. 5

WHEREAS political parties and non-party candidates are funded through the receipt of donations by members of the public; 10

AND WHEREAS democratic accountability requires that there be absolute transparency surrounding the receipt of donations;

AND WHEREAS the Moriarty Tribunal findings reflected poorly on the system of funding political parties;

AND WHEREAS the Moriarty Tribunal made a series of recommendations which were directed at securing necessary reforms of the system of funding political parties; 15

AND WHEREAS notwithstanding the passing of four years since the publication of the report of the Moriarty Tribunal which focused on the system of funding political parties, the recommendations of the Tribunal remain unimplemented.

**Be it enacted by the Oireachtas as follows:** 20

## PART 1

### PRELIMINARY AND GENERAL

#### **Short title and commencement**

1. (1) This Act may be cited as the Electoral (Amendment) (Moriarty Tribunal) Act 2015.
- (2) This Act comes into operation on such day or days as, by order or orders made by the 25

Minister, may be fixed therefor, either generally or with reference to any particular purpose or provision and different days may be so fixed for different purposes and different provisions.

## **Interpretation**

2. In this Act— 5
- “Act of 1995” means the Ethics in Public Office Act 1995;
- “Act of 1997” means the Electoral Act 1997;
- “Act of 1999” means the Local Elections (Disclosure of Donations and Expenditure) Act 1999;
- “Act of 2012” means the Electoral (Amendment) (Political Funding) Act 2012; 10
- “Act of 2013” means the Electoral, Local Government and Planning and Development Act 2013;
- “Minister” means the Minister for the Environment, Community and Local Government.

## **PART 2**

### **AMENDMENT OF ELECTORAL ACT 1997 15**

#### **Amendment of Part IV of Act of 1997**

3. The Act of 1997 is amended in Part IV by the insertion of the following section after section 23AB (inserted by section 11 of the Act of 2012):
- “Limit on aggregate amount which an individual can donate**
- 23AC.** (1) In any twelve month period, the aggregate total of all donations made, 20  
directly or through an intermediary, by a person to—
- (a) members of either House of the Oireachtas,
  - (b) representatives in the European Parliament,
  - (c) members of local authorities,
  - (d) political parties, or 25
  - (e) candidates in a Dáil election, Seanad election, presidential election, local authority election or European election which has taken place within the previous twelve months,
- shall not exceed €10,000.
- (2) Where, notwithstanding subsection (1), a donation, acceptance of 30  
which is prohibited by that subsection, is made to a political party, a member of either House of the Oireachtas, a representative in the European Parliament, a member of a local authority or a candidate at a Dáil, Seanad, local, presidential or European election, the party, member, representative or candidate concerned shall, not later than 14 35

days after the receipt of such donation, notify the Standards in Public Office Commission in writing of such receipt and remit the donation or the value thereof to the said Commission.”.

**Amendment of section 24(1) of Act of 1997**

4. Section 24(1) of the Act of 1997 is amended— 5

(a) by the substitution of the following paragraph for paragraph (a):

- “(a) Not later than the 31st day of January, the 30th day of April, the 31st day of July, and the 31st day of October in every year, each person who, in the preceding three month period, was a member of either House of the Oireachtas or a representative in the European Parliament shall furnish to the Standards in Public Office Commission a written statement, in the form directed by the said Commission, in respect of the preceding three month period indicating whether during that three month period the member or representative, as the case may be, received a donation exceeding in value the relevant amount specified in subsection (4) and stating in respect of each such donation (if any)— 10
- (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, 20
  - (iii) any relevant financial, commercial or other interests of the person referred to at subparagraph (ii) which may be material to the context of the donation made,
  - (iv) in respect of the person referred to at subparagraph (ii), any public contracts awarded to that person in the twelve months prior to the donation being made, any ongoing public procurement process in which that person was involved at the time at which the donation was made, and any applications for public contracts made by the individual in the twelve months prior to the donation being made, 25 30
  - (v) the date on which the donation was received,
  - (vi) whether the donation was requested from the donor, and if so, the name and postal address of the person who requested the donation, and
  - (vii) 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.”, 35

and

(b) in paragraph (b) (as amended by the Act of 2013), by the insertion of the following subparagraphs after subparagraph (ii): 40

“(ia) any relevant financial, commercial or other interests of the

person referred to at subparagraph (ii) which may be material to the context of the donation made,

- (iib) in respect of the person referred to at subparagraph (ii), any public contracts awarded to that person in the twelve months prior to the donation being made, any ongoing public procurement process in which that person was involved at the time at which the donation was made, and any applications for public contracts made by the individual in the twelve months prior to the donation being made,”. 5

**Amendment of section 25 of Act of 1997**

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5. The Act of 1997 is amended in section 25 by the insertion of the following subsection after subsection (1E) (inserted by section 16 of the Act of 2012):

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

- (a) contravenes section 23AC(1), or  
(b) knowingly furnishes information under section 23AC(2) which is false or misleading in any material respect.”. 15

**Amendment of section 48(1) of Act of 1997**

6. The Act of 1997 is amended in section 48(1) by the insertion of the following paragraphs after paragraph (b):

- “(c) any relevant financial, commercial or other interests of the person referred to at paragraph (b) which may be material to the context of the donation made, 20  
(d) in respect of the person referred to at paragraph (b), any public contracts awarded to that person in the twelve months prior to the donation being made, any ongoing public procurement process in which that person was involved at the time at which the donation was made, and any applications for public contracts made by the individual in the twelve months prior to the donation being made.”. 25

**Amendment of Part IX of Act of 1997**

7. The Act of 1997 is amended in Part IX (inserted by section 41 of the Act of 2012)— 30

- (a) by the insertion of the following section after section 85:

**“Fiscal transparency requirements applicable to independent members**

**85A.** (1) The requirements of sections 84, 85 and 91 shall apply to an unaligned or independent member of Dáil Éireann or Seanad Éireann in the same way as the requirements of those sections apply to a political party. 35

- (2) For the purpose of subsection (1), sections 84, 85 and 91 shall apply as if in the case of an unaligned or independent member of Dáil Éireann or Seanad Éireann the term ‘appropriate officer’ means the member concerned or a person nominated in writing by that member for the



purpose of sections 84, 85 and 91.”,

and

(b) by the insertion of the following section after section 90:

**“Real-time publication of records of donations received**

**91.** (1) The appropriate officer of a political party shall keep, or cause to be kept in electronic form, as may be set out in guidelines, an itemised account of all public funding and donations received by the political party concerned. 5

(2) The accounts to be maintained under this section—

(a) shall be updated on a monthly basis, and 10

(b) shall be publicly accessible on the website of the political party concerned.”.

**PART 3**

**AMENDMENT OF LOCAL ELECTIONS (DISCLOSURE OF DONATIONS AND EXPENDITURE) ACT 1999**

**Amendment of section 19E of Act of 1999** 15

**8.** Section 19E of the Act of 1999 (as amended by the Act of 2012) is amended by the substitution of the following subsection for subsection (1)—

“(1) Not later than the 31st day of January, the 30th day of April, the 31st day of July and the 31st day of October in every year, each person who, in the preceding three month period, was a member of a local authority shall furnish to the local authority concerned a written statement, in the form directed by the Minister, in respect of the preceding three month period indicating whether during that three month period the member received a donation the value of which exceeded €600 and stating in respect of each such donation (if any)— 20 25

(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,

(iii) any relevant financial, commercial or other interests of the person referred to at subparagraph (ii) which may be material to the context of the donation made, 30

(iv) in respect of the person referred to at subparagraph (ii), any public contracts awarded to that person in the twelve months prior to the donation being made, any ongoing public procurement process in which that person was involved at the time at which the donation was made, and any applications for public contracts made by the individual in the twelve months prior to the donation being made, 35

- (v) the date on which the donation was received,
- (vi) whether the donation was requested from the donor, and if so, the name and postal address of the person who requested the donation, and
- (vii) 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.” 5

PART 4

AMENDMENT OF ETHICS IN PUBLIC OFFICE ACT 1995

**Amendment of Part III of Act of 1995** 10

9. Part III of the Act of 1995 is amended by the insertion of the following section after section 14:

**“Voluntary disclosure by office holders**

14A. An office holder may voluntarily permit the Standards in Public Office Commission to audit his or her personal financial affairs at any point during their tenure in office and for a defined period thereafter, such defined period not to exceed eighteen months.” 15



An Bille Toghcháin (Leasú) (Binse  
Moriarty), 2015

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# BILLE

*(mar a tionscnaíodh)*

*dá ngairtear*

Acht do dhéanamh socrú maidir le cur i ngníomh chinntí Bhinse Moriarty, do dhéanamh socrú maidir le leibhéal méadaithe trédhearcachta i leith maoiniú páirtithe polaitíochta agus iarrthóirí neamhspleácha, chun na críche sin do leasú an Achta Toghcháin, 1997 agus achtacháin eile, agus do dhéanamh socrú i dtaobh nithe gaolmhara.

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*An Teachta Lucinda Ní Chríodáin a thug isteach,  
21 Deireadh Fómhair, 2015*

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*Introduced by Deputy Lucinda Creighton,  
21st October, 2015*

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