



STATUTORY INSTRUMENTS

S.I. No. 116 of 2009



LOCAL ELECTIONS (FORMS) REGULATIONS 2009

(Prn. A9/0452)

LOCAL ELECTIONS (FORMS) REGULATIONS 2009

The Minister for the Environment, Heritage and Local Government, in exercise of the powers conferred on him by section 3 of the Local Elections (Disclosure of Donations and Expenditure) Act 1999, as amended, hereby makes the following Regulations:

1. These Regulations may be cited as the Local Elections (Forms) Regulations 2009.
2. Each form in the Schedule hereto shall be the prescribed form for the purpose for which such form is expressed to be applicable.
3. The Local Elections (Forms) Regulations 2003 (S.I. No. 689 of 2003) are hereby revoked.

Notice of the making of this Statutory Instrument was published in "Iris Oifigiúil" of 3rd April, 2009.

SCHEDULE

Form 1

STATEMENT OF DONATIONS AND ELECTION EXPENSES AT THE
LOCAL ELECTIONS ON (insert date)
IN ACCORDANCE WITH SECTION 13 OF THE
LOCAL ELECTIONS (DISCLOSURE OF DONATIONS AND
EXPENDITURE) ACT 1999, AS AMENDED

STATEMENT BY CANDIDATE

1. Name of Candidate

..... Political Party (if any).....

2. Address

3. Contact (telephone/fax/email)

4. Local authority and electoral area

(candidates contesting an election for both a county council and borough or town council, should include the name of each local authority and electoral area)

(i)

(ii)

5. Assignment of spending limit from a candidate to the national agent of a political party (this part only applies to candidates of a political party)

For a candidate of a political party, section 12A(1)(c)(i) of the Local Elections (Disclosure of Donations and Expenditure) Act 1999, as amended, allows for the national agent of a political party to incur 10 per cent of the amount of the election expenses which that candidate is entitled to incur at that election, or such alternative percentage of the amount as may be agreed in writing between the candidate and national agent of the political party.

(a) Was a written agreement made between the candidate and national agent to agree that an alternative percentage (other than 10%) of the candidate's election expenses be incurred by the national agent (Yes / No)

(b) Where a written agreement was made, please include details of the alternative percentage and amount agreed in writing between the candidate and national agent

% €.....

Note: Where relevant, a copy of the written agreement made between a candidate and the national agent should be retained in the event of it being required by the local authority.

6. Expenditure

Expenditure Items	Cost
(a) Advertising (whatever the medium used). Expenses in respect of such advertising include agency fees, design costs and other costs incurred in connection with preparing, producing, distributing or otherwise disseminating such advertising.	€
Subtotal Advertising:	
(b) Publicity. Expenses in respect of that matter include expenses incurred in respect of party political broadcasts, the provision of any services or facilities in connection with press conferences or other dealings with the media, media advice and training and photography.	
Subtotal Publicity:	
(c) Election Posters. Expenses in respect of such material include the costs of the design, production, printing, erection and removal of election posters.	
Subtotal Election Posters:	
(d) Other Election Material. Expenses in respect of such material include the design, production, printing and dissemination of such material (other than posters), including canvas cards, election leaflets, election manifestos, newsletters and other promotional election material.	

Expenditure Items	Cost
Subtotal Other Election Material:	
<p>(e) Office and Stationery. Expenses in respect of those matters include costs incurred in the rental or use of an office premises or meeting rooms for election purposes (other than for the purposes of annual or other party conferences) and the costs of heating, electricity, insurance, purchase or rental of office equipment, telephones, stationery and postage.</p>	
Subtotal Office and Stationery:	
<p>(f) Transport and Travel. Expenses in respect of those matters include expenses incurred on transport and travel (by any means), petrol and diesel, rental or use of campaign vehicles, rental or use of vehicles for transport of voters on polling day, accommodation costs, taxi and hackney services and courier services.</p>	
Subtotal Transport and Travel:	
<p>(g) Market Research. Expenses in respect of that matter include expenses incurred in the taking of an opinion poll or other similar survey relating to an election within the period of 60 days before polling day at the election by or on behalf of a political party or a candidate at the election.</p>	
Subtotal Market Research:	
<p>(h) Campaign Workers. Expenses in respect of that matter include payments to campaign workers, insurance and other costs.</p>	
Subtotal Campaign Workers:	
TOTAL ELECTION EXPENSES INCURRED:	

7. Source of Income to Meet Expenditure

Funds used to meet election expenses	€
Own Resources	
Other Resources	

8. Donations Exceeding €634.87 (TO BE COMPLETED BY UNSUCCESSFUL CANDIDATES)

(List details of individual donations exceeding a value of €634.87, or an aggregate value of €634.87 from the same person in connection with the local election and used to meet election expenses).				
Value of Donation €	Nature of Donation	Name of Donor	Description of Donor	Postal Address of Donor

9. Statutory Declaration

THE FOLLOWING STATUTORY DECLARATION MUST BE MADE BY THE CANDIDATE

I..... do solemnly and sincerely declare that the above statement is, to the best of my knowledge and belief, correct in every material respect and that I took all reasonable action in order to be satisfied as to its accuracy. I make this solemn declaration conscientiously believing the same to be true and by virtue of the Statutory Declarations Act 1938.

Signed[candidate]

Declared before me.....[name in capitals] a [notary public] [commissioner for oaths] [peace commissioner] by[name of candidate]

who is personally known to me,

or

who is identified to me by who is personally known to me

or

whose identity has been established to me before the taking of this Declaration by the production to me of passport no.[*passport number*] issued on[*date of issue*] by the authorities of[*issuing state*], which is an authority recognised by the Irish Government

or

national identity card no.[*identity card number*] issued on[*date of issue*] by the authorities of[*issuing state*] which is an EU Member State, the Swiss Confederation

or

a Contracting Party to the EEA Agreement or Aliens Passport no. (document equivalent to a passport) [*passport number*] issued on[*date of issue*] by the authorities of[*issuing state*] which is an authority recognised by the Irish Government

or

refugee travel document no.[*document number*] issued on[*date of issue*] by the Minister for Justice, Equality and Law Reform

or

travel document (other than refugee travel document)[*document no.*] issued on[*date of issue*] by the Minister for Justice, Equality and Law Reform

at..... [place of signature]

this.....day of[date]

.....

[signature of witness]

PENALTIES

A person who knowingly makes a false or misleading statutory declaration is liable on conviction to a fine not exceeding €3,000 or imprisonment for a term not exceeding six months or both.

STATEMENT OF ELECTION EXPENSES AT THE LOCAL ELECTIONS
ON (insert date)
IN ACCORDANCE WITH SECTION 13 OF THE
LOCAL ELECTIONS (DISCLOSURE OF DONATIONS AND
EXPENDITURE) ACT 1999, AS AMENDED

STATEMENT BY NATIONAL AGENT/DESIGNATED PERSON/THIRD PARTY

1. Name of National Agent/Designated Person/Third Party (delete as appropriate)

..... Political Party (if any)

2. Address

3. Contact (telephone/fax/email)

4. Assignment of spending limit from a candidate to the national agent of a political party (this part only applies to the national agent of a political party)

Section 12A(1)(a) of the Local Elections (Disclosure of Donations and Expenditure Act) 1999, as amended, provides for the limitation of expenses at local elections.

For a candidate of a political party, section 12A(1)(c)(i) of the Local Elections (Disclosure of Donations and Expenditure) Act 1999, as amended, allows for the national agent of a political party to incur 10 per cent of the amount of the election expenses which that candidate is entitled to incur at that election, or such alternative percentage of the amount as may be agreed in writing between the candidate and national agent of the political party.

(a) Details of candidates' election expenses assigned to the national agent, where no written agreement was made setting an alternative percentage to the 10% deemed to be automatically assigned to the national agent

Electoral Area	Candidate Spending Limit	10% of Limit to be Allocated to National Agent	Number of Candidates	Total
county or city council electoral area with a population in excess of 32,500	€15,000	€1,500		
county or city council electoral area with a population of between 22,501 and 32,500	€13,000	€1,300		
county or city council electoral area with a population of between 12,001 and 22,500	€11,500	€1,150		
county or city council electoral area with a population of 12,000 or less	€9,750	€975		
electoral area of a borough or town council	€7,500	€750		
electoral area of a borough or town council where one quarter of the applicable spending limit applies (a candidate contesting an election for both a county council and a borough or town council)	€1,875	€187.50		
Total				

Details of candidates' names and the electoral areas in which they were candidates should be retained by the national agent in the event of them being required by the specified local authority.

(b) Details of candidates' election expenses assigned to the national agent, where a written agreement was made setting an alternative percentage to the 10% deemed to be automatically assigned to the national agent

Name of Candidate	Local Authority / Electoral Area(s)	Candidate Spending Limit	Amount Assigned to National Agent by Written Agreement €
Total			

Note: Where relevant, a copy of the written agreement made between a candidate and the national agent should be retained by the candidate and the national agent in the event of it being required by the local authority or the specified local authority.

(c) Aggregate of candidates' election expenses assigned to the national agent

(a): total of candidates' election expenses assigned to the national agent, where no written agreement was made setting an alternative percentage to the 10% deemed to be automatically assigned	
(b): total of candidates' election expenses assigned to the national agent, where a written agreement was made setting an alternative percentage to the 10% deemed to be automatically assigned	
Overall Total	

5. Details of written agreements made by the national agent of a political party authorising a designated person to incur election expenditure (this part only applies to the national agent of a political party)

Name of Designated Person	Local Authority / Electoral Area	Amount of election expenditure authorised by agreement in writing by the national agent that may be incurred by the designated person €

Note: Where relevant, a copy of the written agreement made between the national agent and a designated person should be retained by the national agent in the event of it being required by the specified local authority.

6. Details of written agreements made by the national agent of a political party authorising a designated person to incur election expenditure (this part only applies to a designated person of a political party)

Name of National Agent	Amount of election expenditure authorised by agreement in writing by the national agent that may be incurred by the designated person €

Note: Where relevant, a copy of the written agreement made between the national agent and a designated person should be retained by the designated person in the event of it being required by the local authority.

7. Expenditure (National Level)

Expenditure Items	Cost
(a) Advertising (whatever the medium used). Expenses in respect of such advertising include agency fees, design costs and other costs incurred in connection with preparing, producing, distributing or otherwise disseminating such advertising.	€
Subtotal Advertising:	

Expenditure Items	Cost
<p>(b) Publicity. Expenses in respect of that matter include expenses incurred in respect of party political broadcasts, the provision of any services or facilities in connection with press conferences or other dealings with the media, media advice and training and photography.</p>	
<p>Subtotal Publicity:</p>	
<p>(c) Election Posters. Expenses in respect of such material include the costs of the design, production, printing, erection and removal of election posters.</p>	
<p>Subtotal Election Posters:</p>	
<p>(d) Other Election Material. Expenses in respect of such material include the design, production, printing and dissemination of such material (other than posters), including canvas cards, election leaflets, election manifestos, newsletters and other promotional election material.</p>	
<p>Subtotal Other Election Material:</p>	
<p>(e) Office and Stationery. Expenses in respect of those matters include costs incurred in the rental or use of an office premises or meeting rooms for election purposes (other than for the purposes of annual or other party conferences) and the costs of heating, electricity, insurance, purchase or rental of office equipment, telephones, stationery and postage.</p>	
<p>Subtotal Office and Stationery:</p>	
<p>(f) Transport and Travel. Expenses in respect of those matters include expenses incurred on transport and travel (by any means), petrol and diesel, rental or use of campaign vehicles, rental or use of vehicles for transport of voters on polling day, accommodation costs, taxi and hackney services and courier services.</p>	
<p>Subtotal Transport and Travel:</p>	

Expenditure Items	Cost
(g) Market Research. Expenses in respect of that matter include expenses incurred in the taking of an opinion poll or other similar survey relating to an election within the period of 60 days before polling day at the election by or on behalf of a political party or a candidate at the election.	
Subtotal Market Research:	
(h) Campaign Workers. Expenses in respect of that matter include payments to campaign workers, insurance and other costs.	
Subtotal Campaign Workers:	
TOTAL ELECTION EXPENSES INCURRED:	

8. Expenditure (Electoral Area Level)

Expenditure Items	Local Authority and Electoral Area	Candidate Name(s)	Cost €
(a) Advertising (whatever the medium used). Expenses in respect of such advertising include agency fees, design costs and other costs incurred in connection with preparing, producing, distributing or otherwise disseminating such advertising.			
Subtotal Advertising:			
(b) Publicity. Expenses in respect of that matter include expenses incurred in respect of party political broadcasts, the provision of any services or facilities in connection with press conferences or other dealings with the media, media advice and training and photography.			

Expenditure Items	Local Authority and Electoral Area	Candidate Name(s)	Cost €
Subtotal Publicity:			
(c) Election Posters. Expenses in respect of such material include the costs of the design, production, printing, erection and removal of election posters.			
Subtotal Election Posters:			
(d) Other Election Material. Expenses in respect of such material include the design, production, printing and dissemination of such material (other than posters), including canvas cards, election leaflets, election manifestos, newsletters and other promotional election material.			
Subtotal Other Election Material:			
(e) Office and Stationery. Expenses in respect of those matters include costs incurred in the rental or use of an office premises or meeting rooms for election purposes (other than for the purposes of annual or other party conferences) and the costs of heating, electricity, insurance, purchase or rental of office equipment, telephones, stationery and postage.			
Subtotal Office and Stationery:			

Expenditure Items	Local Authority and Electoral Area	Candidate Name(s)	Cost €
<p>(f) Transport and Travel. Expenses in respect of those matters include expenses incurred on transport and travel (by any means), petrol and diesel, rental or use of campaign vehicles, rental or use of vehicles for transport of voters on polling day, accommodation costs, taxi and hackney services and courier services.</p>			
<p>Subtotal Transport and Travel:</p>			
<p>(g) Market Research. Expenses in respect of that matter include expenses incurred in the taking of an opinion poll or other similar survey relating to an election within the period of 60 days before polling day at the election by or on behalf of a political party or a candidate at the election.</p>			
<p>Subtotal Market Research:</p>			
<p>(h) Campaign Workers. Expenses in respect of that matter include payments to campaign workers, insurance and other costs.</p>			
<p>Subtotal Campaign Workers:</p>			
<p>TOTAL ELECTION EXPENSES INCURRED:</p>			

9. Statutory Declaration

THE FOLLOWING STATUTORY DECLARATION MUST BE MADE BY THE NATIONAL AGENT/DESIGNATED PERSON OR THIRD PARTY (delete as appropriate).

I..... do solemnly and sincerely declare that the above statement is, to the best of my knowledge and belief, correct in every material respect and that I took all reasonable action in order to be satisfied as to its accuracy. I make this solemn declaration conscientiously believing the same to be true and by virtue of the Statutory Declarations Act 1938.

Signed[candidate]

Declared before me.....[name in capitals] a [notary public] [commissioner for oaths] [peace commissioner] by[name of candidate]

who is personally known to me,

or

who is identified to me by who is personally known to me

or

whose identity has been established to me before the taking of this Declaration by the production to me of passport no.[*passport number*] issued on[*date of issue*] by the authorities of[*issuing state*], which is an authority recognised by the Irish Government

or

national identity card no.[*identity card number*] issued on[*date of issue*] by the authorities of[*issuing state*] which is an EU Member State, the Swiss Confederation or a Contracting Party to the EEA Agreement

or

Aliens Passport no. (document equivalent to a passport) [*passport number*] issued on[*date of issue*] by the authorities of[*issuing state*] which is an authority recognised by the Irish Government

or

refugee travel document no.[*document number*] issued on[*date of issue*] by the Minister for Justice, Equality and Law Reform

or

travel document (other than refugee travel document)[*document no.*] issued on[*date of issue*] by the Minister for Justice, Equality and Law Reform

at..... [*place of signature*] this.....day of[*date*]
..... [*signature of witness*]

PENALTIES

A person who knowingly makes a false or misleading statutory declaration is liable on conviction to a fine not exceeding €3,000 or imprisonment for a term not exceeding six months or both.



GIVEN under my Official Seal,
2 April 2009

JOHN GORMLEY,
Minister for the Environment, Heritage and Local Government.

EXPLANATORY NOTE

(This note is not part of the Instrument and does not purport to be a legal interpretation).

These Regulations prescribe the forms to be used by candidates, national agents, designated persons and third parties for furnishing statements of donations and election expenses at local elections in accordance with section 13 of the Local Elections (Disclosure of Donations and Expenditure) Act 1999. They repeal S.I. No. 689 of 2003, which prescribed the forms used in respect of the 2004 local elections.

BAILE ÁTHA CLIATH
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR
Le ceannach díreach ón
OIFIG DHÍOLTA FOILSEACHÁN RIALTAIS,
TEACH SUN ALLIANCE, SRÁID THEACH LAIGHEAN, BAILE ÁTHA CLIATH 2,
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FOILSEACHÁIN RIALTAIS, AN RANNÓG POST-TRÁCHTA,
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