

Study to support the preparation of an EU instrument on to help improve the resilience of our democracies and address the threats of interference in elections through greater transparency in political advertising, and other measures to promote resilient democracy in the EU

Mapping of national legislation – Ireland

Research question	Legal source (Article and full name of the source, including hyperlink) May include legal acts, practices, self-/co-regulatory codes or guidelines	Summary of the rules
I. General information about the national legal framework		
National legal act(s) governing political advertising	<p>Electoral Act 1997, http://www.irishstatutebook.ie/eli/1997/act/25/enacted/en/print.html;</p> <p>Broadcasting Act 2009, Section 41, http://www.irishstatutebook.ie/eli/2009/act/18/enacted/en/print.html</p> <p>Local Elections (Disclosure of Donations and Expenditure) Act 1999, http://www.irishstatutebook.ie/eli/1999/act/7/enacted/en/print.html</p> <p>Litter Pollution Act 1997, Section 19(7)(c), http://www.irishstatutebook.ie/eli/1997/act/12/enacted/en/print.html</p> <p>Electoral Act 1992, Section 147(2)(c), http://www.irishstatutebook.ie/eli/1992/act/23/enacted/en/print</p> <p>Planning and Development Regulations 2001-2015, Schedule 2, Part 2, Class 14, http://www.irishstatutebook.ie/eli/2001/si/600/made/en/print?q=Planning+and+Development+Regulations+2001</p> <p>Articles 7 and 8, “Guidelines for Political Parties on Exchequer Funding under the Electoral Act 1997, as Amended”, Standards in Public Office Commission (SIPO), https://www.sipo.ie/acts-and-codes/guidelines/recipients-of-state-funding/Exchequer-funding-guidelines-.pdf</p>	<p>Please provide an overview of how political advertising is regulated in your Member State:</p> <p><i>Which legal act(s) is the principal piece of legislation governing political advertising (e.g. national elections act, specific act on political advertising, media act etc.)? How are they interlinked (e.g. via definitions or other common provisions)?</i></p> <p><i>Please, specify the principal piece of legislation or other regulations, (self-/co-regulatory codes or guidelines) governing online political advertising, if applicable. Please, provide any other relevant legislation and self-regulatory/co-regulatory instruments applicable to political advertising, political campaigning and parties/candidates funding.</i></p> <p>The principal legal act regulating the field is Electoral Act 1997. It regulates, inter alia, the issue of payments to political parties, reimbursement of candidates’ elections expenses, publishers’ obligation to publish political advertisement only at the request of the political parties and candidates themselves, as well as disclosure of donations in presidential and parliamentary elections. Section 41(3) of Broadcasting Act 2009 provides for a ban on political advertising for broadcasters, stating that a broadcaster “shall not broadcast an advertisement which is directed towards a political end [...]”. Local Elections (Disclosure of Donations and Expenditure) Act 1999, in its turn, provides for a number of important definitions and contains provisions on statements of donations and available offences and penalties. Several other pieces of legislation (Litter Pollution Act 1997, Electoral Act 1992 and Planning and Development Regulations 2001-2015) contain provisions regulating issues related to electoral posters.</p>

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	<p>“Guidelines for Political Parties: Steps to be Taken Concerning Donations and Prohibited Donations”, Standards in Public Office Commission (SIPO), November 2015, https://www.sipo.ie/acts-and-codes/guidelines/donations/Guidelines-for-political-parties-on-donations-and-prohibited-donations.pdf</p> <p>Rule 27, Code of Fairness, Objectivity & Impartiality, Broadcasting Authority of Ireland (BAI), April 2013, https://www.bai.ie/en/codes-standards/#al-block-3</p> <p>“Rule 27 Guidelines: Guidelines for Coverage of General, Presidential, Seanad, Local & European Elections”, Broadcasting Authority of Ireland (BAI), September 2018, https://www.bai.ie/en/media/sites/2/dlm_uploads/2018/09/Rule27_ElectionGuide_vFinal_English.pdf</p> <p>(Draft) Electoral Reform Bill 2020, https://www.gov.ie/en/publication/34cf6-general-scheme-of-the-electoral-reform-bill-2020/</p>	<p>In addition, the designated authority specialising in political party funding issues, Standards in Public Office Commission (SIPO), has issued guidelines on the issues in question. Particularly, the guidelines touch upon the expenditure statements and donations, providing details on any limitations and prohibitions in place.</p> <p>Besides, the Broadcasting Authority of Ireland (BAI) has adopted a Code of Fairness, Objectivity and Impartiality, Rule 27 of which states that BAI shall issue codes of practise on coverage of elections and referendums, and that broadcasters shall comply with these guidelines. Rule 27 Guidelines adopted by BAI provide further details on election coverage by broadcasters, including a provision on moratorium during election period.</p> <p>Finally, a draft Electoral Reform Bill 2020 has been approved by the Government and is currently in pre-legislative consideration by the Joint Oireachtas [Parliament] Committee on Housing, Local Government and Heritage. In its current draft, it contains provisions regulating the online political advertising. As described in the General Scheme of the Bill published by the Department of Housing, Local Government and Heritage, its aims are, inter alia, establishing an independent Electoral Commission (which would be assigned also policy research and advisory functions), providing a framework for regulating online political advertising, providing for the disclosure of specified information connection with online political advertising, to allow for polling to take place on more than one day at a Dáil election and at a referendum where Covid-19 restrictions are in place. The Bill is structured in a way that firstly stipulates the provisions related to the Electoral Commission (its establishment, governance arrangements and detailed functions). Further on, there is a separate Part on amendments to be made to existing Acts. This is followed by Part 4 on online political advertising and Part 5 on election facilitation in case of</p>

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		Covid-19 restrictions. The Bill also provides for the definitions of a broad range of relevant terms.
Legal and/or statutory definition of the notion of “ political advertising ” and “ online political advertising ” (if applicable)	(Draft) Electoral Reform Bill 2020, https://www.gov.ie/en/publication/34cf6-general-scheme-of-the-electoral-reform-bill-2020/	<p><i>Does your national legislation or regulations define political advertising?</i></p> <p><i>Does your national legislation or regulations define online political advertising?</i></p> <p>National legislation does not define the term “political advertising”. A definition of the term “online political advertising” is proposed in the abovementioned Electoral Reform Bill with the following text: ““online political advertisement” means any form of communication in a digital format commissioned for political purposes for placement, display or promotion on an online platform during an electoral period and for which a payment is made to the online platform.” The term “political purposes” itself has the same meaning as assigned by the Electoral Act 1997 as amended by Electoral (Amendment) Act 2001. In the latter, it has a number of subsections describing what purposes fall under the definition. Those include, for instance, the purposes to promote or oppose (directly or indirectly) the interests of a political party, to present (directly or indirectly) the policies or a particular policy and/or the comments of a political party, to promote or oppose (directly or indirectly) the interests of a third party in connection with various political campaigns, to promote or oppose the election of a candidate or to solicit votes for or against one, and to otherwise influence the outcome of an election. In other words, the notion of “political purposes” is defined rather broadly both in the current and in proposed legislation,</p> <p>The draft Bill also provides for a number of other new definitions. The term “online platform” is defined as “any public-facing website, web application, or digital application” (including a social media network, advertising network, search engine or the seller of an online political advertisement), which has 10.000 or more monthly visitors or users in</p>

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		<p>the State and receives payment for “the placement, display or promotion of an online political advertisement on that website.” In addition, the Bill defines the term “seller of an online political advertisement” as a person “who receives payment for the placement, display or promotion of an online political advertisement on an online platform, website, application, social media network, advertising network or search engine.” That is to say, this notion is also defined in broad terms and covers a number of online platforms. The notion of “buyer of political advertising” is defined rather broadly (in Section 120). The term includes a candidate (or a person acting on behalf thereof) standing for the elections; a member (or person acting on behalf of a member) of the Irish Parliament, the European Parliament or a local authority; the President (or a person acting on his/her behalf); a registered political party; a European political party; a third party; or a any other person or entity seeking to influence the outcome of an election or a referendum.</p> <p>It is also noteworthy that the Bill defines the term “look alike targeting”: it is defined as a method which uses machine learning to identify new persons with similar characteristics to an already existing target audience.</p>
If not applicable, provide other definitions/terms used in the legislation close to the notion of “political advertising”		<p><i>Examples: “partisan advertising”, “campaign advertising”, “elections advertising and issues based advertising” etc.</i></p> <p><i>Please, specify whether the available definitions apply towards specific actors/persons. (e.g. political parties/candidates, media, civil society, online intermediaries or other service providers etc.).</i></p> <p>National legislation does not use any other terms either for definition the notion of “political advertising.”</p>
Evaluation of the current legislative framework and draft legislations on political	(Lapsed) Online Advertising and Social Media (Transparency) Bill 2017, https://data.oireachtas.ie/ie/oireachtas/bill/2017/150/eng/initiated/b15017d.pdf	<u><i>Has an evaluation of the rules and practices in place for political advertising and/or online political advertising already been carried out and if so, what are the results?</i></u>

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advertising and/or online political advertising	(Draft) Electoral Reform Bill 2020, https://www.gov.ie/en/publication/34cf6-general-scheme-of-the-electoral-reform-bill-2020/	<p><i>Further to that, is there any draft legislation currently discussed in your Member State relevant for political advertising and/or online political advertising? If so, please provide a brief overview.</i></p> <p>In 2017, an Online Advertising and Social Media (Transparency) Bill 2017 was initiated in the Irish Parliament. It was aiming to provide for transparency in the disclosure of information in online political advertising. The Bill was aiming to provide definitions of some crucial terms, such as “bot”, “multiple online presences”, “online advertising”, “online platform” and “online political advertising”. The provisions suggested by this Bill were related to the requirement on displaying a transparency notice in cases of online political advertising, as well as set out a provision on the offence of using a bot to cause multiple online presences directed towards a political end to present as an individual account or profile on an online platform. Nonetheless, the Bill lapsed and didn’t become binding law.</p> <p>In 2019, the Irish Government (particularly, The Department of Housing, Planning and Local Government) undertook a commitment to draft a legislation regulating online political advertising. Currently, a draft Bill, titled Electoral Reform Bill, has been approved by the Government and is in pre-legislative consideration by the Joint Oireachtas [Parliament] Committee on Housing, Local Government and Heritage.</p>
II. Political advertising rules during pre-election campaigns		
Definitions of pre-election campaigns in the Member State (if applicable)		<p><i>Are pre-election campaigns defined in your Member State? If so, how?</i></p> <p>No, the current legislation does not define pre-election campaigns, nor does the Electoral Reform Bill 2020.</p>
National rules on paid political advertising during pre-election campaigns	Broadcasting Act 2009, Section 41(3), http://www.irishstatutebook.ie/eli/2009/act/18/enacted/en/print.html	<p><i>Is paid political advertising during pre-election campaigns prohibited or allowed in your Member State?</i></p> <p><i>If prohibited, what is the scope of the ban of paid political advertising?</i></p>

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	Evaluation Report on Ireland: Transparency of Party Funding, Theme II, GRECO, 2009, https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=09000016806c68f6	<i>In the opposite case, to which extend is paid political advertising allowed? What are the limitations applicable?</i> <i>Please, specify whether such rules during pre-election campaigns are also applicable and enforceable online and whether they apply to actors registered outside the jurisdiction.</i> Section 41(3) of Broadcasting Act 2009 prohibits a broadcaster to broadcast advertisements “directed towards a political end.” This is a general ban, which would include also paid political advertising during pre-election campaigns. As noted in the GRECO Evaluation Report, paid political advertising is not allowed on TV and radio during the election campaign. Nonetheless, it is not prohibited in print or online media.
National rules on financing of political parties/candidates in relation to political adverts		<i>Please, provide a brief description of the national rules on financing of political parties/candidates in relation to political adverts (e.g. earmarking donations and contributions for advertising or specific campaigns, bank loans obtention for sponsoring advertising campaigns, entities or categories of actors not entitled to purchase or finance political adverts).</i> The national legislation does not contain specific provisions on financing in relation to political adverts. Therefore, the general rules on expenses and funding of political parties and candidates would apply to these issues.
National rules on free political advertising (or free airtime) during pre-election campaigns	Electoral Act 1997, Section 46(2)(b), http://www.irishstatutebook.ie/eli/1997/act/25/enacted/en/print.html	<i>Are political parties in your Member State allocated free political advertising during pre-election campaigns? If so, on which media is free political advertising granted?</i> Under Section 46(2)(b) of the Electoral Act 1997, “the transmission on radio or television free of charge of a broadcast on behalf of a candidate” is not considered a donation to the candidate or a political

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		party. In other words, political parties and candidates are entitled to free airtime during the campaign period.
National rules on political advertising on broadcast media during pre-election campaigns (incl. public service and private broadcasters)	<p>Broadcasting Act 2009, Section 41(3), http://www.irishstatutebook.ie/eli/2009/act/18/enacted/en/print.html</p> <p>Evaluation Report on Ireland: Transparency of Party Funding, Theme II, GRECO, 2009, https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=09000016806c68f6</p>	<p><i>Please, provide a brief description of the national rules on political advertising on broadcast media during pre-election campaigns.</i></p> <p>Section 41(3) of Broadcasting Act 2009 prohibits a broadcaster to broadcast advertisements “directed towards a political end.” This is a general ban, which would include paid political advertising both through public and private broadcasters during pre-election campaigns. As noted in the GRECO Evaluation Report, paid political advertising is not allowed on TV and radio during the election campaign.</p>
National rules on political advertising in print media during pre-election campaigns	<p>Litter Pollution Act 1997, Section 19(7)(c), http://www.irishstatutebook.ie/eli/1997/act/12/enacted/en/print.html</p> <p>Electoral Act 1992, Sections 140(1) 147(2)(c), 157(1), 157(2), http://www.irishstatutebook.ie/eli/1992/act/23/enacted/en/print</p> <p>Planning and Development Regulations 2001-2015, Schedule 2, Part 2, Class 14, http://www.irishstatutebook.ie/eli/2001/si/600/made/en/print?q=Planning+and+Development+Regulations+2001</p> <p>Electoral Act 1997, Sections 31(10), 43(4), 52(9), 61(4), http://www.irishstatutebook.ie/eli/1997/act/25/enacted/en/print.html</p>	<p><i>Please, provide a brief description of the national rules on political advertising in print media during pre-election campaigns.</i></p> <p>It can be derived from Section 19(7)(c) of Litter Pollution Act 1997 (as amended by Section 9 of Electoral (Amendment) (No. 2) Act 2009) that electoral posters can be erected after polling day has been fixed by ministerial order, and for a maximum of 30 days before polling day and must be removed within 7 days after polling day. The breach of these is an offence and is punishable by a fine. The electoral posters, according to Section 140(1) of Electoral Act 1992, shall include the name and address of the printer, otherwise it will be deemed an offence punishable by fine and imprisonment for up to 3 months (Section 157(2) of Electoral Act 1992). Furthermore, according to Section 147(2)(c) of the Electoral Act 1992 (as amended by Section 33 of the Electoral (Amendment) Act 2001), within the period between 30 minutes before the official commencement of polling and 30 minutes after the closing of the polls, election posters cannot be displayed within 50m of a polling station. A breach of these provisions is punishable with imprisonment of up to 2 years, according to Section</p>

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		<p>157(1) of Electoral Act 1992. Finally, according to Class 14 of Part 2 of Schedule 2 of the Planning and Development Regulations 2001-2015, election-related advertisements can be erected on private property and should be removed within 7 days after polling day.</p> <p>In addition, based on Sections 31(10), 43(4), 52(9), 61(4) of the Electoral Act 1997, it can be concluded that a publisher of a “newspaper, magazine or other periodical publication” can publish political advertisements or notices in respect of elections only at the request of “the national agent of a political party or a person authorised in writing by such agent, or a candidate at the election or the election agent of such candidate, or a person authorised in writing by such candidate or agent.” A failure to follow this rule will result in an offence, and the responsible person will be liable on summary conviction to a fine of up to €1000.</p>
National rules on political advertising on online media applicable to political parties , during pre-election campaigns	(Draft) Electoral Reform Bill 2020, Part 4, https://www.gov.ie/en/publication/34cf6-general-scheme-of-the-electoral-reform-bill-2020/	<p><i>Data protection and privacy rules, rules applicable to political parties for addressing electronic political communication...</i></p> <p>Currently, the national legislation does not contain rules on political advertising on online media. However, the draft Electoral Reform Bill 2020 does suggest adopting a separate Chapter/Part on the regulation of online political advertising. Among other provisions, it suggests the adoption of a “transparency notice” requirement, where the viewer will be able to see details regarding the given political advertisement. According to Head 121(1) of the proposed Bill, an online political advertisement “shall include a button, icon, tab, or hyperlink with the text “Political Advert”, in a position where the viewer will readily see it, which shall link to a page clearly displaying a transparency notice.” Head 121(2) defines transparency notice as a notice which displays identifying details of the buyer (name, postal and email address, website), information on whether micro-targeting and look alike targeting was applied for the advertisement, the amount paid for the advertisement, the number of days for which it has been placed and the number of user impressions that the advertisement is aiming to reach. Additionally, Head 121(5) states that an online platform “shall</p>

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		establish and maintain an online archive or library” comprising of the online political advertisements and “accompanying transparency notices commissioned for placement, display or promotion on that online platform.”
Particular rules applicable to online platforms and intermediaries , such as social media, for political advertising during pre-election campaigns	(Draft) Electoral Reform Bill 2020, Part 4, https://www.gov.ie/en/publication/34cf6-general-scheme-of-the-electoral-reform-bill-2020/	<i>Are there any particular rules applicable online platforms during pre-election campaigns in your Member State?</i> The national legislation currently does not have particular rules on these issues. The draft Electoral Reform Bill suggests the adoption of rules stipulating the obligations of online platforms and sellers of online political advertisements.
Specific rules relating to “ false information ”, fake news ” or “ disinformation campaigns ” during pre-election campaigns	(Draft) Electoral Reform Bill 2020, Part 4, https://www.gov.ie/en/publication/34cf6-general-scheme-of-the-electoral-reform-bill-2020/	<i>Are there specific provisions in your Member State about the dissemination of “untrue information”, “false information”, “fake news” or ‘disinformation campaigns’ during pre-election campaigns?</i> Current national laws do not provide for such rules. The draft Electoral Reform Bill suggests providing the possibility of adopting measures against false or misleading information.
III. Political advertising rules during elections period		
Definitions of elections period in the Member State (if applicable)	(Draft) Electoral Reform Bill 2020, Head 2 https://www.gov.ie/en/publication/34cf6-general-scheme-of-the-electoral-reform-bill-2020/ Section 11, “Rule 27 Guidelines: Guidelines for Coverage of General, Presidential, Seanad, Local & European Elections”, Broadcasting Authority of Ireland (BAI), September 2018, https://www.bai.ie/en/media/sites/2/dlm_uploads/2018/09/Rule27_ElectionGuide_vFinal_English.pdf	<i>How is the elections period defined in your Member State?</i> There is no specific definition provided in the legislation currently in force. However, in Head 2 the Electoral Reform Bill proposes to define the term “electoral period” as the period of time, which commences on (and including) the day of the making of a polling day order and ends on (including) the day the poll closes. Besides, it is proposed to define the term “polling day” as the day which is appointed by the order of the Minister for Housing, Local Government and Heritage “to be polling day at a presidential election or a Dáil election or a European election or a local election or a referendum, as the case may be.”

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		Additionally, it should be noted that Section 11 of the BAI Rule 27 Guidelines contains a provision on Moratorium. Particularly, according to that Section, radio and TV broadcasters are required to observe a moratorium in respect of the election coverage . It operates from 14:00 on the day before the poll and up until the polling stations close . During this time broadcasters are not allowed to provide electioneering, references to issues related to the election and references “by any on-air personnel, including guests, to the merits or otherwise of an election candidate(s) and/or their policies.” Essentially, this is the definition in Irish law for the notion of “silence/elections period.”
National rules on paid political advertising during elections period	Broadcasting Act 2009, Section 41(3), http://www.irishstatutebook.ie/eli/2009/act/18/enacted/en/print.html	<i>Is paid political advertising during election period prohibited or allowed in your Member State?</i> <i>If prohibited, what is the scope of the ban of paid political advertising?</i> <i>In the opposite case, to which extend is paid political advertising allowed? What are the limitations applicable?</i> <i>Please, specify whether such rules during elections period are also applicable and enforceable online and whether they apply to actors registered outside the jurisdiction (e.g. enforcement of ‘silence periods’ online)</i> Section 41(3) of Broadcasting Act 2009 prohibits a broadcaster to broadcast advertisements “directed towards a political end.” This is a general ban, which would include also paid political advertising during pre-election campaigns. Nonetheless, it is not prohibited in print or online media, nor are these media subject to a moratorium or silence period.
National rules on financing of political parties/candidates in relation to political adverts		<i>Please, provide a brief description of the national rules on financing of political parties/candidates in relation to political adverts (e.g. earmarking donations and contributions for advertising or specific campaigns, bank loans obtention for sponsoring advertising</i>

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		<p><i>campaigns, entities or categories of actors not entitled to purchase or finance political adverts).</i></p> <p>The national legislation does not contain specific provisions on financing in relation to political adverts. Therefore, the general rules on expenses and funding of political parties and candidates would apply to these issues.</p>
National rules on free political advertising (or free airtime) during elections period	Section 11, “Rule 27 Guidelines: Guidelines for Coverage of General, Presidential, Seanad, Local & European Elections”, Broadcasting Authority of Ireland (BAI), September 2018, https://www.bai.ie/en/media/sites/2/dlm_uploads/2018/09/Rule27_ElectionGuide_vFinal_English.pdf	<p><i>Are political parties in your Member State allocated free political advertising during elections period?</i></p> <p>Section 11 of the BAI Rule 27 Guidelines contains a provision on Moratorium. Particularly, according to that Section, radio and TV broadcasters are required to observe a moratorium in respect of the election coverage. It operates from 14:00 on the day before the poll and up until the polling stations close. During this time broadcasters are not allowed to provide electioneering, references to issues related to the election and references “by any on-air personnel, including guests, to the merits or otherwise of an election candidate(s) and/or their policies.”</p>
National rules on political advertising on broadcast media during elections period (incl. public service and private broadcasters)	Section 11, “Rule 27 Guidelines: Guidelines for Coverage of General, Presidential, Seanad, Local & European Elections”, Broadcasting Authority of Ireland (BAI), September 2018, https://www.bai.ie/en/media/sites/2/dlm_uploads/2018/09/Rule27_ElectionGuide_vFinal_English.pdf	<p><i>Please, provide a brief description of the national rules on political advertising on broadcast media during elections period</i></p> <p>A moratorium operates during the election period, ie political advertising is not allowed.</p>
National rules on political advertising in print media during elections period	Sections 3 and 11, “Rule 27 Guidelines: Guidelines for Coverage of General, Presidential, Seanad, Local & European Elections”, Broadcasting Authority of Ireland (BAI), September 2018, https://www.bai.ie/en/media/sites/2/dlm_uploads/2018/09/Rule27_ElectionGuide_vFinal_English.pdf	<p><i>Please, provide a brief description of the national rules on political advertising in print media during elections period</i></p> <p>Print media are not subject to moratorium, based on Sections 3 and 11 of BAI “Rule 27 Guidelines.” Therefore, it can be concluded that</p>

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	<p>Litter Pollution Act 1997, Section 19(7)(c), http://www.irishstatutebook.ie/eli/1997/act/12/enacted/en/print.html</p> <p>Electoral Act 1992, Sections 140(1) 147(2)(c), 157(1), 157(2), http://www.irishstatutebook.ie/eli/1992/act/23/enacted/en/print</p> <p>Planning and Development Regulations 2001-2015, Schedule 2, Part 2, Class 14, http://www.irishstatutebook.ie/eli/2001/si/600/made/en/print?q=Planning+and+Development+Regulations+2001</p> <p>Electoral Act 1997, Sections 31(10), 43(4), 52(9), 61(4), http://www.irishstatutebook.ie/eli/1997/act/25/enacted/en/print.html</p>	<p>political advertising may be allowed in print media during elections period. The rules governing print media in relation to political advertising are the following.</p> <p>It can be derived from Section 19(7)(c) of Litter Pollution Act 1997 (as amended by Section 9 of Electoral (Amendment) (No. 2) Act 2009) that electoral posters can be erected after polling day has been fixed by ministerial order, and for a maximum of 30 days before polling day and must be removed within 7 days after polling day. The breach of these is an offence and is punishable by a fine. The electoral posters, according to Section 140(1) of Electoral Act 1992, shall include the name and address of the printer, otherwise it will be deemed an offence punishable by fine and imprisonment for up to 3 months (Section 157(2) of Electoral Act 1992). Furthermore, according to Section 147(2)(c) of the Electoral Act 1992 (as amended by Section 33 of the Electoral (Amendment) Act 2001), within the period between 30 minutes before the official commencement of polling and 30 minutes after the closing of the polls, election posters cannot be displayed within 50m of a polling station. A breach of these provisions is punishable with imprisonment of up to 2 years, according to Section 157(1) of Electoral Act 1992. Finally, according to Class 14 of Part 2 of Schedule 2 of the Planning and Development Regulations 2001-2015, election-related advertisements can be erected on private property and should be removed within 7 days after polling day.</p> <p>In addition, based on Sections 31(10), 43(4), 52(9), 61(4) of the Electoral Act 1997, it can be concluded that a publisher of a “newspaper, magazine or other periodical publication” can publish political advertisements or notices in respect of elections only at the request of “the national agent of a political party or a person authorised in writing by such agent, or a candidate at the election or the election agent of such candidate, or a person authorised in writing by such candidate or agent.” A failure to follow this rule will result in an offence,</p>

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		and the responsible person will be liable on summary conviction to a fine of up to €1000.
National rules on political advertising on online media applicable to political parties , during elections period		<i>Examples: Data protection and privacy rules, rules applicable to political parties for addressing electronic political communication...</i> No specific rules.
Particular rules applicable to online platforms and intermediaries , such as social media, for political advertising during elections period		<i>Are there any particular rules to online platforms during elections period in your Member State?</i> No particular rules.
Specific rules relating to “ false information ”, “ fake news ” or “ disinformation campaigns ” during elections period		<i>Are there specific provisions in your Member State about the dissemination of “untrue information”, “false information”, “fake news” or “disinformation campaigns” during elections period?</i> No specific rules
IV. Political advertising rules outside of elections period		
National rules on paid political advertising outside of elections period	Broadcasting Act 2009, Section 41(3), http://www.irishstatutebook.ie/eli/2009/act/18/enacted/en/print.html	<i>Is paid political advertising during elections period prohibited or allowed in your Member State?</i> <i>If prohibited, what is the scope of the ban of paid political advertising?</i> <i>If allowed, are there restrictions on paid political advertising?</i> <i>Please, specify whether such rules outside of elections period are also applicable and enforceable online and whether they apply to actors registered outside the jurisdiction.</i> Section 41(3) of Broadcasting Act 2009 prohibits a broadcaster to broadcast advertisements “directed towards a political end.” This is a general ban, which would include also paid political advertising outside

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		of pre-election or election periods. Nonetheless, it is not prohibited in print or online media.
National rules on financing of political parties in relation to political adverts		<p><i>Please, provide a brief description of the national rules on financing of political parties/candidates in relation to political adverts (e.g. earmarking donations and contributions for advertising or specific campaigns, bank loans obtention for sponsoring advertising campaigns, entities or categories of actors not entitled to purchase or finance political adverts).</i></p> <p>The national legislation does not contain specific provisions on financing in relation to political adverts. Therefore, the general rules for expenses and funding of political parties and candidates would apply to these issues.</p>
National rules on free political advertising (or free airtime) outside of elections period		<p><i>Are political parties in your Member State allocated free political advertising outside of elections campaigns?</i></p> <p>The national legislation does not contain any specific rules on these issues.</p>
National rules on political advertising on broadcast media outside of elections period (incl. public service and private broadcasters)	Broadcasting Act 2009, Section 41(3), http://www.irishstatutebook.ie/eli/2009/act/18/enacted/en/print.html	<p><i>Please, provide a brief description of the national rules on political advertising on broadcast media outside of elections period</i></p> <p>Section 41(3) of Broadcasting Act 2009 prohibits a broadcaster to broadcast advertisements “directed towards a political end.” This is a general ban, which would include also paid political advertising outside of pre-election or election periods.</p>
National rules on political advertising in print media outside of elections period		<i>Please, provide a brief description of the national rules on political advertising in print media outside of elections period</i>

Research question	Legal source (Article and full name of the source, including hyperlink) <u>May include legal acts, practices, self-/co-regulatory codes or guidelines</u>	Summary of the rules
		No specific rules are applicable to print media outside of elections period and there are no rules prohibiting political advertising in print media. Therefore, the general rules on print media described above would be applicable.
National rules on political advertising on online media applicable to political parties , outside of elections period	(Draft) Electoral Reform Bill 2020, Part 4, https://www.gov.ie/en/publication/34cf6-general-scheme-of-the-electoral-reform-bill-2020/	<i>Examples: Data protection and privacy rules, rules applicable to political parties for addressing electronic political communication...</i> Currently, the national legislation does not contain rules on political advertising on online media. However, the draft Electoral Reform Bill 2020 does suggest adopting a separate Chapter/Part on the regulation of online political advertising. Among other provisions, it suggests the adoption of a “transparency notice” requirement by the online platform/seller, where the viewer will be able to see details regarding the given political advertisement. In addition, it suggests the adoption of rules stipulating the obligations of online platforms and sellers of online political advertisements, as well as the possibility of adopting measures against false or misleading information.
V. Rules and obligations applicable to online platform operators and intermediaries of political advertising		
Particular rules applicable to online platforms and intermediaries such as social media for political advertising	(Draft) Electoral Reform Bill 2020, Part 4, https://www.gov.ie/en/publication/34cf6-general-scheme-of-the-electoral-reform-bill-2020/	<i>Are there any particular rules applicable to online platforms in your Member State (e.g. disclosure requirements to users, record-keeping requirements, reporting requirements)?</i> <i>If so, which are the online platforms operators and other intermediaries concerned by the legislation/guidelines/self-regulatory code?</i> <i>Are there any particular rules applicable to online platforms to set up means to fight disinformation?</i> Currently, the national legislation does not contain rules on political advertising on online media. However, the draft Electoral Reform Bill

Research question	Legal source (Article and full name of the source, including hyperlink) <u>May include legal acts, practices, self-/co-regulatory codes or guidelines</u>	Summary of the rules
		2020 does suggest adopting a separate Chapter/Part on the regulation of online political advertising. Among other provisions, it suggests the adoption of a “transparency notice” requirement by the online platform/seller, where the viewer will be able to see details regarding the given political advertisement. In addition, it suggests the adoption of rules stipulating the obligations of online platforms and sellers of online political advertisements, as well as the possibility of adopting measures against false or misleading information.
VI. Transparency rules for political parties/candidates funding		
Rules on direct public funding¹ to political parties and/or candidates	Electoral Act 1997, Part III, http://www.irishstatutebook.ie/eli/1997/act/25/enacted/en/print.html Questions 30, 31, 38, International IDEA, Political Finance Database, https://www.idea.int/data-tools/country-view/143/55	<i>Are there provisions for direct public funding to political parties in your Member State? Please give a brief description.</i> According to Section 16 of the Electoral Act 1997, a “qualified party” (ie, a party registered in the Register of Political Parties which had received not less than 2% of the total first preference votes at the latest elections) is eligible for public funding. Payments received through direct public funding as set out in Part III can be applied for the purposes of general administration of the party; research, education and training; policy formulation; as well as coordination of party members’ and branches’ activities. In addition, Section 21 of the same Act provides for the possibility of reimbursement of election expenses of candidates where they meet the requirements set out in the Section. Further information is found in the Political Finance Database of IDEA International. Summarising the relevant laws, the latter states that the 3 main ways of public funding are the following: exchequer funding for qualified political parties, funding for qualified candidates for the

¹ Public funding refers to funds or resources provided by the State/Government to political parties and/or candidates . Depending on the form in which public resources are made available, public funding is divided into direct public funding or indirect public funding. Direct public funding corresponds to the allocation of direct public funds to political parties and/or candidates in the form of money, usually as bank transfers but at times in cash or cheque. See more information at: <https://aceproject.org/ace-en/topics/pc/pca/pca02/pca02a/default>

Research question	Legal source (Article and full name of the source, including hyperlink) <u>May include legal acts, practices, self-/co-regulatory codes or guidelines</u>	Summary of the rules
		<p>reimbursement of their election expenses, and funding for parliamentary leaders of qualified political parties in relation to expenses arising from parliamentary activities, including research. To qualify for exchequer funding, in particular, the political party must be included in the Register of Political Parties and must have obtained at least 2% of the first preference votes at the last Dáil general election.</p> <p>According to the IDEA database, parties have respect legislative quotas ensuring gender equality. The failure to respect this results in losing half of the State funding they receive annually.</p>
Rules on indirect public funding² to political parties and/or candidates	<p>Question 37, International IDEA, Political Finance Database, https://www.idea.int/data-tools/country-view/143/55</p> <p>Houses of the Oireachtas Commission Act 2006, Section 4(4A), http://www.irishstatutebook.ie/eli/2003/act/28/enacted/en/print.html</p> <p>Houses of the Oireachtas Commission (Amendment) Act 2006, Section 3(3) http://www.irishstatutebook.ie/eli/2006/act/39/enacted/en/print.html</p>	<p><i>Are there provisions for indirect public funding for electoral campaigns in your Member State? Please give a brief description and specify transparency provisions.</i></p> <p>There are no specific provisions on indirect public funding for electoral campaigns.</p> <p>Based on case law, it is concluded that “where property, services or facilities are used for electoral purposes during the election period and the costs were originally met out of public funds, such costs must be accounted for as election expenses at their full commercial value.”</p> <p>As set out in Section 4(4A) of the Houses of the Oireachtas Commission Act 2006 (as amended by Houses of the Oireachtas Commission (Amendment) Act 2006, Section 3(3)), statutory guidelines on the use of Oireachtas facilities for outgoing members of the Dáil [Parliament, House of Representatives] have been introduced.</p>

² Indirect public funding is when resources with a monetary value are provided by the Government to political parties and/or candidates. Such resources may be, for instance, granting of media access (free advertising slots in publicly owned media), interest-free loans for paying registration fees or mounting a basic election campaign, free printing and distribution of ballot papers, use of Government buildings for meetings and rallies, tax-free donations etc. . See the list of indirect public funding of parties and candidates at: <https://aceproject.org/ace-en/topics/pc/pca/pca02/pca02a/pca02a4>

Research question	Legal source (Article and full name of the source, including hyperlink) <u>May include legal acts, practices, self-/co-regulatory codes or guidelines</u>	Summary of the rules
		These mainly regulate “those services and facilities which continued post-dissolution, i.e. secretarial staff, use of office and ICT equipment, access to Leinster House offices and use of telephone and copying facilities,” as well as facilities which are not available on a given dissolution but may be retained for using after dissolution, “e.g. material printed in the Leinster House printing facility, pre-paid envelopes and stationery.”
Rules on free or subsidised access to media for political parties and/or candidates	Electoral Act 1997, Section 46(2)(b), http://www.irishstatutebook.ie/eli/1997/act/25/enacted/en/print.html <u>Question 34</u> , International IDEA, Political Finance Database, https://www.idea.int/data-tools/country-view/143/55	<i>Are there provisions for free or subsidized access to media for political parties in your Member State? Please give a brief description and specify transparency provisions.</i> Under Section 46(2)(b) of the Electoral Act 1997, “the transmission on radio or television free of charge of a broadcast on behalf of a candidate” is not considered a donation to the candidate or a political party. In other words, political parties and candidates are entitled to free airtime during the campaign period, which entails 3-minute segments produced by parties and broadcast at no cost.
Rules on foreign contributions to political parties and political campaigns	Electoral Act 1997, Section 4(6), http://www.irishstatutebook.ie/eli/1997/act/25/enacted/en/print.html Section 5.5, “Guidelines for Political Parties: Steps to be Taken Concerning Donations and Prohibited Donations”, Standards in Public Office Commission (SIPO), November 2015, https://www.sipo.ie/acts-and-codes/guidelines/donations/Guidelines-for-political-parties-on-donations-and-prohibited-donations.pdf	<i>Is there a ban on contributions from foreign interests (i.e. foreign countries and governments, foreign companies, foreign organisations, foreign private persons) to political parties and/or to candidates during political campaigns in your Member State?</i> Section 4(6) of the Electoral Act 1997 sets a requirement on the Public Offices Commission to draw up and publish from time to time guidelines in respect of donations to political parties and/or election candidates. Those guidelines shall provide information “concerning the steps to be taken by such persons to ensure compliance” with the general provisions of Electoral Act 1997, as well as with the provisions on political funding.

Research question	Legal source (Article and full name of the source, including hyperlink) <u>May include legal acts, practices, self-/co-regulatory codes or guidelines</u>	Summary of the rules
		<p>Based on this provision, the Standards in Public Office Commission (SIPO) has published “Guidelines for Political Parties: Steps to be Taken Concerning Donations and Prohibited Donations”. Section 5.5 of the latter covers issues related to foreign donations.</p> <p>According to Subsection 5.5.1, a political party “or any of its sub-units” is banned from accepting “a donation, of any value” from any individual who is neither residing on the island of Ireland, nor is an Irish citizen. Donations of any valued may not be accepted also “from a body corporate or an unincorporated body of persons which does not keep an office in the island of Ireland from which at least one of its principal activities is directed.” In short, foreign donations to political parties are banned under Irish law, as the SIPO Guidelines are binding.</p> <p>Subsection 5.5.3 states that if a foreign donation has been received, the recipient must return the donation to the donor within 14 days and “keep a written record of the return for the purpose of its being furnished to the Standards Commission, if required.” As an alternative, within 14 days the recipient should notify SIPO “and remit the donation, or the value thereof” to SIPO.</p>
VII. Monitoring and enforcement of national rules on political advertising by national authorities		
National (or regional/local if applicable) authority or body responsible for monitoring national rules on political advertising	Broadcasting Act 2009, Section 41, http://www.irishstatutebook.ie/eli/2009/act/18/enacted/en/print.html	<p><i>Who is responsible for monitoring national rules on political advertising, (e.g. political communications and advertisement messages, the balanced presence and equity of all political candidates)?</i></p> <p>For supervising political advertising rules by TV and radio broadcasters, the responsible authority is the Broadcasting Authority of Ireland (BAI).</p>
Particular measures for supervising online political advertising within and outside elections periods	(Draft) Electoral Reform Bill 2020, Sections 128-130, https://www.gov.ie/en/publication/34cf6-general-scheme-of-the-electoral-reform-bill-2020/	<i>How are national rules on political advertising, including online, ensured in your Member State, if these exist? What are the enforcement powers of the relevant authority/body, as well as procedural safeguards?</i>

Research question	Legal source (Article and full name of the source, including hyperlink) <u>May include legal acts, practices, self-/co-regulatory codes or guidelines</u>	Summary of the rules
		<p>For online political advertising, as mentioned earlier, no specific rules exist at the moment. However, the (draft) Electoral Reform Bill 2020 suggests the adoption of certain rules in this regard. According to the draft Sections 128-129, the (to-be-established) Electoral Commission would have the possibility of appointing authorised officers, who would have the necessary functions to supervise the implementation of national rules on online political advertising. In addition, draft Section 130 would provide rules on penalties for offences committed under the Act.</p>
<p>Sanctions, penalties and remedy measures applicable in violation of the law</p>	<p>Evaluation Report on Ireland: Transparency of Party Funding, Theme II, GRECO, 2009, https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=09000016806c68f6</p> <p>Litter Pollution Act 1997, Section 19(7)(c), 31(10), 43(4), 52(9), 61(4), http://www.irishstatutebook.ie/eli/1997/act/12/enacted/en/print.html</p> <p>Electoral Act 1992, Sections 140(1) 147(2)(c), 157(1), 157(2), http://www.irishstatutebook.ie/eli/1992/act/23/enacted/en/print</p> <p>Electoral Act 1997, Sections 31(10), 43(4), 52(9), 61(4), http://www.irishstatutebook.ie/eli/1997/act/25/enacted/en/print.html</p> <p>(Lapsed) Online Advertising and Social Media (Transparency) Bill 2017, https://data.oireachtas.ie/ie/oireachtas/bill/2017/150/eng/initiated/b15017d.pdf</p> <p>(Draft) Electoral Reform Bill 2020, Sections 122(4), 123(10), 124(8), 125(3), 127(3), 130(1), https://www.gov.ie/en/publication/34cf6-general-scheme-of-the-electoral-reform-bill-2020/</p>	<p><i>How are national rules on political advertising enforced in your Member State and what sanctions and remedy measures are applicable?</i></p> <p>Fines, withdrawal of public funding, disqualification penalties and imprisonment (for serious breaches) are the measures against political party funding offences.</p> <p>It can be derived from Section 19(7)(c) of Litter Pollution Act 1997 (as amended by Section 9 of Electoral (Amendment) (No. 2) Act 2009) that electoral posters can be erected after polling day has been fixed by ministerial order, and for a maximum of 30 days before polling day and must be removed within 7 days after polling day. The breach of these is an offence and is punishable by an on-the-spot fine of €150. The electoral posters, according to Section 140(1) of Electoral Act 1992, shall include the name and address of the printer, otherwise it will be deemed an offence punishable by fine and imprisonment for up to 3 months (Section 157(2) of Electoral Act 1992). Furthermore, according to Section 147(2)(c) of the Electoral Act 1992 (as amended by Section 33 of the Electoral (Amendment) Act 2001), within the period between 30 minutes before the official commencement of polling and 30 minutes after the closing of the polls, election posters cannot be displayed within 50m of a polling station. A breach of these provisions is punishable with imprisonment of up to 2 years, according to Section 157(1) of Electoral Act 1992.</p>

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		<p>In addition to the abovementioned, based on Sections 31(10), 43(4), 52(9), 61(4) of the Electoral Act 1997, it can be concluded that a publisher of a “newspaper, magazine or other periodical publication” can publish political advertisements or notices in respect of elections only at the request of “the national agent of a political party or a person authorised in writing by such agent, or a candidate at the election or the election agent of such candidate, or a person authorised in writing by such candidate or agent.” A failure to follow this rule will result in an offence, and the responsible person will be liable on summary conviction to a fine of up to €1000.</p> <p>As mentioned earlier, an Online Advertising and Social Media (Transparency) Bill 2017 was being considered in the Irish Parliament, which would have regulated the use of a bot to cause multiple online presences directed towards a political end to present as an individual account or profile on an online platform as an offence. However, the Bill lapsed and didn’t become binding law.</p> <p>Finally, the Electoral Reform Bill 2020 also contains provisions on offences and applicable penalties. Particularly, according to Sections 122(4), 123(10), 124(8), an online platform which does not comply with its obligations set out in the law, commits an offence. Similarly, a political advertising buyer who fails to live up to its obligations also commits an offence (Sections 125(3), 127(3)). Finally, Section 130(1) specifies that a person who commits an offence under the Act [Bill] in question, is liable either to a class A fine or to imprisonment of up to 12 months on a summary conviction, or to a fine or imprisonment of up to 5 years on conviction or indictment.</p>

Annex – List of relevant legislation

- In this Annex, please list all the sources provided in the second column of the table

Name of the sources	Link to the sources	Sources translated into EN
Electoral Act 1992	http://www.irishstatutebook.ie/eli/1992/act/23/enacted/en/print	N/A
Electoral Act 1997	http://www.irishstatutebook.ie/eli/1997/act/25/enacted/en/print.html	N/A
Broadcasting Act 2009	http://www.irishstatutebook.ie/eli/2009/act/18/enacted/en/print.html	N/A
(Draft) Electoral Reform Bill 2020	https://www.gov.ie/en/publication/34cf6-general-scheme-of-the-electoral-reform-bill-2020/	N/A
Litter Pollution Act 1997	http://www.irishstatutebook.ie/eli/1997/act/12/enacted/en/print.html	N/A
Houses of the Oireachtas Commission Act 2006	http://www.irishstatutebook.ie/eli/2003/act/28/enacted/en/print.html	
Houses of the Oireachtas Commission (Amendment) Act 2006	http://www.irishstatutebook.ie/eli/2006/act/39/enacted/en/print.html	
Local Elections (Disclosure of Donations and	http://www.irishstatutebook.ie/eli/1999/act/7/enacted/en/print.html	N/A

Study to support the preparation of an EU instrument to help improve the resilience of our democracies and address the threats of interference in elections through greater transparency in political advertising, and other measures to promote resilient democracy in the EU

Mapping of national legislation – Ireland

Expenditure) Act 1999		
(Lapsed) Online Advertising and Social Media (Transparency) Bill 2017	https://data.oireachtas.ie/ie/oireachtas/bill/2017/150/eng/initiated/b15017d.pdf	N/A
Planning and Development Regulations 2001-2015	http://www.irishstatutebook.ie/eli/2001/si/600/made/en/print?q=Planning+and+Development+Regulations+2001	N/A
“Guidelines for Political Parties on Exchequer Funding under the Electoral Act 1997, as Amended”, Standards in Public Office Commission (SIPO)	https://www.sipo.ie/acts-and-codes/guidelines/recipients-of-state-funding/Exchequer-funding-guidelines-.pdf	N/A
“Guidelines for Political Parties: Steps to be Taken Concerning Donations and Prohibited Donations”, Standards in Public Office Commission (SIPO), November 2015	https://www.sipo.ie/acts-and-codes/guidelines/donations/Guidelines-for-political-parties-on-donations-and-prohibited-donations.pdf	N/A
Code of Fairness, Objectivity & Impartiality, Broadcasting	https://www.bai.ie/en/codes-standards/#al-block-3	N/A

Study to support the preparation of an EU instrument to help improve the resilience of our democracies and address the threats of interference in elections through greater transparency in political advertising, and other measures to promote resilient democracy in the EU

Mapping of national legislation – Ireland

Authority of Ireland (BAI), April 2013		
“Rule 27 Guidelines: Guidelines for Coverage of General, Presidential, Seanad, Local & European Elections”, Broadcasting Authority of Ireland (BAI), September 2018	https://www.bai.ie/en/media/sites/2/dlm_uploads/2018/09/Rule27_ElectionGuide_vFinal_English.pdf	N/A
Evaluation Report on Ireland: Transparency of Party Funding, Theme II, GRECO, 2009	https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=09000016806c68f6	N/A
International IDEA, Political Finance Database	https://www.idea.int/data-tools/country-view/143/55	N/A