Questions on the Definition and Scope of Political Advertising
In relation to these questions, the key constitutional issue is the use of freedom of expression in political matters as contained in Article 40.6.1(i) which specifically included the criticism of government policy as part of the rightful liberty of expression. Therefore any regulation in this area would need to be seen to regulate as opposed to silence or "chill" any political expression can can be attributed to the criticism of government policy. When one is campaigning either in an electoral or referendum setting then such speech could be legitimately be consider to be criticism of government policy and in a democracy it is important that "robust debate" is entered into to use the terminology from the judgment of Hogan J. in *Doherty v. Referendum Commission*.

Issue with political purposes in section 3 which is over-broad and possible constitutionally questionable as the freedom of expression guarantees include the criticism of government policy as a protected activity. This has already been examined in the media and in court in the Amnesty Case.

The power to make guidelines that has been granted to SIPOC and at issue in the Amnesty cases is grounded in Section 4 (6) b of the 2007 act and cross refers only to the donations section of that act which was focused on political parties and candidates. There was no such reference in the 2001 Amendment Act which brought in the campaigning element - is there an issue with the legislative source?

The definition of political purposes to any party seeking to influence the outcome of an election or referendum or campaign which seeks to promote or procure a particular outcome in relation to a policy or the functions of Government of any public authority is, in my opinion, over-broad as it goes further than the lobbying regulations and covers anyone from a local hospital action committee trying to get more beds into the local hospital to a civil society body looking to highlight human rights issues in Ireland. The constitutional free speech guarantees protects speech with a political nature and specifically references the 'criticism of government policy'. If it can be shown that the legislation is acting to stop or hinder organisations from criticising government policy then the legislative framework could be challenged. The continuing nature of the regulation (ie. doesn't kick in during election or referendum period) is quite like the old s.31 of the Broadcasting Act 1960 which had to be changed as it was over - broad. Comparative UK legislation has a time period for the reporting of such activities. It should be limited to candidates and proposals subject to referendum with a workable time period for financial reporting that is not overly burdensome on affected organisations

Transparency Questions
There is no issue with calling for various parties and civil society organisations to be transparent. However, it is the framing of such regulations and the procedural aspects that may cause a chilling effect. A better model would be found in the Transparency legislation. Of the stake holders impacted, the electorate is the only one that should not be covered by regulations but all other bodies listed should be subject to some form of transparency and accountability. If organisations are receiving funds within a specific timeframe of an election or referendum proposal then it should be transparent on funding issues such as the identity of the donor and the amount received. As with electoral law regulations on donations any donations in kind, preferential treatment on financial arrangements etc as stated in the acts should be recorded.

Technical/Operation Capability to Control Advertising/Governance
The technical overview and application is best left to the technical experts in this area though the new features for information regarding candidates during the US Mid Term Elections should be investigated for application in Ireland as it allows for users to easily see more information on candidates and could be adapted to Ireland to show funding etc in a way that

could apply the poster rules in the Electoral acts to Social Media by considering them as a virtual poster.

Legal Framework for Regulating Online Communications

The voluntary arrangements in the Repeal of the 8th amendment seem to have worked well but there will probably be further academic literature on this issue in time. Any form of monitoring should be conducted by Sipoc as there is no point in creating a new body to regulate when the creation of an Electoral and Referendum Commission is an active issue.