



Commissioner for Standards
in Public Life



Spending by Candidates in General Election Campaigns

A Landscape Review

Office of the Commissioner for Standards in Public Life
Valletta, Malta

30 September 2022

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Contents

Executive Summary	4
1 Introduction	5
1.1 What this report is about	5
1.2 Why campaign spending by individual candidates is an important issue	5
1.3 What this report seeks to achieve	6
1.4 Structure and methodology	7
2 The Rules on Spending by Individual Candidates in General Election Campaigns	9
2.1 The relevant legislation	9
2.2 Campaign expenditure	9
2.3 The campaign period	10
2.4 Treating	11
2.5 Campaign funding	12
2.6 Campaign expenditure reporting	14
3 Key Issues in Election Campaigning	16
3.1 Campaigning activities	16
3.2 Events	18
3.3 Gift-giving by candidates	24
3.4 Advertising on social media	32
3.5 Large-scale events	34
3.6 Does campaign spending make a difference?	44
3.7 Campaign finance reporting	48
4 Conclusion	51
4.1 Recapitulation	51
4.2 Issues	51
4.3 Possible action to be taken	52

Executive Summary

This report is about spending by general election candidates on their personal electoral campaigns. It looks at the costs candidates incur; how campaign spending is regulated; and how candidates report their expenditure. This report has been prepared as a landscape review, and its focus is general practices as opposed to the conduct of any particular individuals.

The report finds that by law, candidates can spend up to €40,000 if they contest two districts. However, this limit applies only to expenditure incurred during the official campaign period, which usually starts when an election is called. Candidates typically start campaigning well beforehand.

While this is a maximum, 45 per cent of all candidates with the two main political parties declared spending €5,000 during the March 2022 election campaign. Seven candidates declared spending more than €25,000 – one from the Nationalist Party and six from the Labour Party. Of the latter six, four were ministers.

Declarations of expenditure by candidates do not necessarily give a true picture because they tend to be understood as obliging candidates to report costs incurred during the official campaign period only. A survey of candidates' public social media posts brings to light campaign events that do not appear reflected in candidates' declarations.

The declaration forms themselves are outdated and unclear. In many cases actual declarations do not even satisfy the requirements in the forms. For instance, after the March 2022 election only a limited number of candidates provided a detailed list of campaign donors as they are obliged by law to do.

The report notes that valid prospective candidates can be dissuaded from contesting elections by the need to spend (and raise) substantial amounts of money in order to have a reasonable chance of success. This risks leaving the field to those who see politics as a means of personal gain or are willing to incur obligations to third parties in return for campaign donations. The result would be to undermine standards in public life and erode public trust in the political process.

This report is intended to raise awareness about the current situation, and it does not present detailed recommendations for change. It does however raise the issue of whether there should be a cap on campaign spending throughout the period of the legislature rather than just during the official election campaign. The report also argues for the imposition on candidates of an obligation to report all significant campaign donations regardless of when they are given. The report warns that unrestrained campaign spending can trigger a race to the bottom in terms of standards in public life, and it is vital to the health of democracy in Malta that this situation is avoided.

1 Introduction

1.1 What this report is about

1.1.1 This report is about the expenditure incurred by or on behalf of general election candidates on their personal electoral campaigns. This report looks at how candidates campaign in general elections; the costs they incur; how spending on individual candidates' electoral campaigns is regulated; and how candidates report that expenditure, both as regards the amounts they spend and, perhaps most importantly, the sources of those funds. This report seeks to shed light on and raise awareness of an issue that, if not addressed, can dangerously undermine democracy in Malta.

1.1.2 One of the issues considered in this report is the conflicts of interest that might result from candidates' dependence on donors. However, this report does not discuss conflicts of interest that might arise for other reasons, such as candidates' occupations or their professional relationships with third parties.

1.1.3 In addition, this report does not discuss expenditure on campaigns by political parties or how political parties raise money. Individual candidates do not rely on political parties to fund them, but on their own private funds or the funding of backers. Nor does this report deal with what is often called "power of incumbency", that is to say actions taken by governments, or by ministers in their official capacity, with a view to winning votes. These are important but separate issues.

1.2 Why campaign spending by individual candidates is an important issue

1.2.1 It is fair to say that in Malta there is growing concern about the influence of money on politics, and how such influence can distort public policy and undermine democracy. However, the focus of these concerns has been predominantly on the financing of political parties. In 2015 such concerns led to the enactment of a law to regulate the financing of political parties, although there are questions about the effectiveness of this law and the continuing dependence of political parties on commercial interests.¹

¹ See for instance the *Times of Malta* editorial of 14 November 2020, available at <https://timesofmalta.com/articles/view/public-funding-of-political-parties.831553>; *The Shift News* report of 4 April 2021, available at <https://theshiftnews.com/2021/04/04/party-financing-must-be-overhauled-if-maltas-to-emerge-from-its-distorted-democracy-graffitti/>; *Lovin Malta* report of 11 May 2021, available at <https://lovinmalta.com/news/its-official-maltas-party-financing-law-is-broken-and-our-electoral-watchdog-wont-probe-breaches-until-its-fixed/>; *Times of Malta* report of 8 August 2021, available at <https://timesofmalta.com/articles/view/watch-parties-requests-for-money-verge-on-harassment-sandro-chetcuti.892081>; and *MaltaToday* editorial of 18 May 2022, at https://www.maltatoday.com.mt/comment/editorial/116841/party_financing_law_urgently_needs_an_update#.YyREynZByUk.

1.2.2 The issue of how much individual candidates spend on their personal election campaigns has attracted some media coverage,² yet it has not generated the same level of concern even though it raises similar issues.

1.2.3 As this report shows, the individual campaigns of candidates in general elections can cost considerable sums of money. Of all candidates with the two main political parties in the March 2022 general election, forty-five per cent, or almost half, declared spending €5,000 or more. While lavish campaign spending does not guarantee electoral success, it does appear to make a difference to a candidate's prospects. Of those who spent €5,000 or more, four fifths made it to Parliament, but of those who spent less than €5,000 just over two fifths made it to Parliament. In other words those who spent €5,000 or more had practically double the success rate of those who spent less than €5,000.

1.2.4 This raises a number of concerns:

- Persons with an interest in contesting a general election may be put off by the prospect of forking out a considerable amount of money in order to have a worthwhile chance of success.
- Alternatively, prospective candidates can seek to raise money from donors, but this would mean incurring obligations to third parties that could compromise their ability to promote particular causes or principles. This too could be a disincentive to prospective candidates.
- If candidates are compelled to become dependent on third parties in order to gain election to Parliament, this would give commercial interests undue political influence. This is of particular concern with respect to MPs who are made ministers.
- Reforms to political party financing would not succeed in reducing the political influence of commercial interests in politics if the issue of campaign spending by individual candidates is not addressed at the same time.

1.3 What this report seeks to achieve

1.3.1 This report represents a landscape review that focuses on general practices rather than the conduct of any specific individuals. The aim of this report is to raise awareness about an issue that is of growing concern from the point of view of the health of democracy in Malta. This report is being issued as part of the efforts of the Commissioner for Standards in Public Life to raise standards in politics.

² See for instance *Times of Malta* news report of 24 May 2022, available at <https://timesofmalta.com/articles/view/how-much-did-pl-pn-candidates-spend-in-the-election-campaign.956968>.

1.3.2 This report is not the outcome of a formal investigation by the Commissioner for Standards in Public Life under article 13(1)(b) of the Standards in Public Life Act. It is not for the Standards Commissioner to investigate election campaign spending by any candidate, since by virtue of the General Elections Act this is a matter that falls within the jurisdiction of the Electoral Commission. Furthermore, the jurisdiction of the Standards Commissioner covers only elected MPs and persons of trust. The Commissioner does not have jurisdiction over general election candidates.

1.3.3 Nevertheless the Standards Commissioner considers it necessary and indeed urgent to address campaign spending by general election candidates on account of its potential impact on ethical standards in Parliament and the government. In fulfilment of his mission to contribute to the raising of standards in public life, the Commissioner considers it important for his office to address not only the conduct of MPs and ministers but also underlying factors that can shape that conduct, even if such factors cannot in their own right be the subject of a formal investigation. It was this same reasoning that led the Commissioner to issue a report on constitutional reform in 2019.³

1.3.4 This report discusses options for change in very broad terms, but it does not present any detailed recommendations. It is felt that doing so would be premature at this early stage. It would be better to discuss possible solutions in detail when there is more widespread awareness of the issues.

1.4 Structure and methodology

1.4.1 **Section 2** of this report reviews the legal provisions governing campaign expenditure by individual candidates in general elections. **Section 3** provides an overview of how candidates campaign and discusses issues arising from such campaigns. **Section 4** sets out conclusions and directions for change.

1.4.2 In section 3, this report presents information about the campaign activities carried out prior to the March 2022 general election by randomly selected candidates from the two larger political parties in Malta. The information presented in this part of the report has been derived primarily from the candidates' own social media posts, which were accessible to the public. Screenshots of these posts have been included for illustrative purposes and by way of disclosure of the information on which this report is based. Since this report is the outcome of a landscape review rather than an investigation in terms of the Standards in Public Life Act, candidates were not approached with requests to provide any further information.

³ *Towards Higher Standards in Public Life: Proposals to Modernise the Provisions of the Constitution on Parliament, the Judiciary and Public Administration* (30 October 2019). Available from <https://standardscommissioner.com/wp-content/uploads/constitutional-reform-proposals.pdf>.

1.4.3 Candidates are not named in the text of this report, in keeping with its focus on general practices. This report discusses systemic issues that require systemic solutions. Pointing fingers at any particular individuals risks drawing attention away from this fact.

1.4.4 However, no effort has been made to edit the accompanying screenshots in order to hide candidates' identity. Editing the screenshots would be impractical and difficult to justify given that they were obtained from the public domain. Omitting them would run contrary to the principle of transparency that underpins the office of the Commissioner for Standards in Public Life.

1.4.5 In addition to social media, information was derived from local media reports highlighting the practice of giving gifts and providing examples of this. This report has followed the same approach with regard to such media reports, that is to say not mentioning candidates' names but including references to the media reports in question by way of disclosure of sources in the interest of transparency. References to media reports does not imply that their accuracy is being endorsed or that they have been verified for the purposes of this document.

1.4.6 This report also draws on the expenditure returns submitted by candidates to the Electoral Commission. By law these returns are accessible to members of the public against payment, and the office of the Commissioner for Standards procured them on this basis. The returns were procured on 26 May 2022, so they reflect any corrections or clarifications made by candidates up to this point.

2 The Rules on Spending by Individual Candidates in General Election Campaigns

2.1 The relevant legislation

2.1.1 The rules on election campaign financing, in so far as they exist for individual candidates, can be found in the General Elections Act (chapter 354 of the laws of Malta). This Act repealed the earlier Electoral (Polling) Ordinance (chapter 102 of the laws of Malta), with the exception of articles 41 to 62 of the Ordinance, which are reproduced as Schedule 14 of the General Elections Act. These provisions contain the rules regulating campaign spending and financing for individual candidates.

2.1.2 In addition, the Twelfth Schedule of the Act specifies what information candidates must submit to the Electoral Commission in their declaration of expenses incurred in the course of their campaign.

2.1.3 Party financing rules are contained in a separate law, the Financing of Political Parties Act (chapter 544 of the laws of Malta). This law came into force in 2016. As already noted, however, the financing of political parties falls outside the scope of this report.

2.1.4 The key issues which can be noted in the Maltese electoral landscape can broadly be classified under the following headings:

- campaign expenditure
- the (official) campaign period
- treating
- campaign funding
- campaign expenditure reporting.

2.2 Campaign expenditure

2.2.1 Candidates are restricted by law to spending not more than €20,000 for each electoral district that they contest. Article 46(1) of Fourteenth Schedule of the General Elections Act states that:

The maximum sum paid and, or expenses incurred by or on behalf of a candidate at an election of members of the House of Representatives, and, or by his election agent, whether before, during, or after an election on account of or in respect of the conduct of such election, shall not exceed the sum of twenty thousand euro (€20,000) from every electoral district:

2.2.2 Article 46(2) states that *“Any candidate or election agent who knowingly acts in contravention of this article shall be guilty of an illegal practice.”*

2.2.3 The law does however allow for candidates who contest two electoral districts to split their campaign expenditure as they see fit, that is to say they are not required to spend an equal amount on each district.⁴

2.2.4 Moreover, the law makes it possible for candidates, when calculating their campaign expenditure, to deduct any fee they may have charged for participation in political activities, or for any foods or services made available at such activities, from the total amount of campaign expenditure.⁵

2.3 The campaign period

2.3.1 When does a person become a candidate? Although political parties approve their lists of candidates well before a general election is called, a person only formally and legally becomes a candidate when his or her nomination is received by the Electoral Commission. However, prospective candidates might start carrying out political activities with a view to becoming known to voters and gaining a following years in advance of formally becoming candidates.

2.3.2 Article 2(2) of the General Elections Act defines the campaign period in very specific terms:

Whenever by this Act a penalty is attached to the performance of any act “before, during or after”, an election, no account shall be taken of anything done earlier than –

(a) in the case of any election held in consequence of a dissolution of Parliament under article 76(1) of the Constitution, the issue of the Proclamation dissolving the House;

(b) in the case of any election held in consequence of a dissolution of Parliament under article 76(2) of the Constitution of Malta, three months before the date of such dissolution.

2.3.3 Parliament can be dissolved at any time by means of a presidential proclamation under article 76(1) of the Constitution. In this case the election campaign officially starts when the proclamation is issued. Article 77 of the Constitution specifies that an election must be held within three months of the dissolution of Parliament. This means that the official election campaign as defined by article 2(2)(a) of the General Elections Act cannot last longer than three months.

⁴ Article 46(1), first proviso.

⁵ Article 46(1), second proviso.

2.3.4 Article 76(2) of the Constitution states that if no proclamation is issued, Parliament is dissolved automatically five years after it reconvenes following a general election. In this case the official electoral campaign as defined by article 2(2)(b) of the General Elections Act starts three months before the dissolution of Parliament. If the election is held three months after dissolution, as permitted by article 77 of the Constitution, the official election campaign will run for six months.

2.3.5 It is normal practice for governments to dissolve Parliament by proclamation, which means that official electoral campaigns cannot last longer than three months. In 2022 Parliament was dissolved on 20 February and the election was held on 26 March, so the official election campaign period was just five weeks long. As already noted, however, prospective candidates can start campaigning in anticipation of an election being called and far in advance of the official starting date of the election campaign.

2.3.6 Article 2(2) of the General Elections Act clearly applies to the spending limit set out in article 46(1) of the Fourteenth Schedule. This means that any campaign expenses incurred by candidates before the official starting date of the election campaign are not regulated by law and do not count towards the spending limit of €20,000 per district.

2.4 Treating

2.4.1 The definition of the campaign period as set out by article 2(2) of the General Elections Act also applies to “treating”, that is to say the provision by candidates of food, drink, entertainment and other goods to voters. Article 54 of the Act’s Fourteenth Schedule makes treating a criminal offence:

54. (1) Any person who corruptly by himself or by any other person, either before, during or after an election, directly or indirectly, gives or provides, or pays wholly or in part the expense of giving or providing any food, drink, entertainment, or provision to or for any person, for the purpose of corruptly influencing that person or any other person to give or refrain from giving his vote at the election, or on account of such person or any other person having voted or refrained from voting or being about to vote or refrain from voting at such election, shall be guilty of the offence of treating.

(2) Every voter who corruptly accepts or takes any such food, drink, entertainment, or provision shall also be guilty of the offence of treating.

2.4.2 By virtue of article 2(2), there is nothing to prevent candidates from giving gifts to voters before the start of the official election campaign.

2.4.3 A number of incidents highlight the inadequacy of the law. In one case, in September 2020, one candidate (a parliamentary secretary at the time) presented elderly persons in care homes with a roly-poly each, with a printed message with the

word “*Kuraġġ*” (courage) and his name and title attached.⁶ In June 2021, nine months before the general election was eventually held, political candidates were already conducting their election campaigns in full force. Another candidate at the time was reported to have given gifts of bags of oranges, with a picture of herself, to elderly persons living in a residential care home.⁷ That same candidate a few months later distributed Halloween goody-bags to primary school children in one of her electoral districts.⁸ Yet another candidate in June 2021 sent constituents on his district protective face masks, together with a letter and photo of himself.⁹ These cases gave rise to controversy, but they fell outside the scope of the General Elections Act. It cannot be said that these are “new” developments in political campaigning however, as similar activities have been well publicised through the last few election cycles.

2.4.4 In another case, only a few days before the 2022 election took place, another candidate was alleged to have gifted voters in his constituency with fuel vouchers, sent to their addresses together with a campaign leaflet.¹⁰ There have been no subsequent media reports indicating that this case was investigated by the authorities.

2.4.5 The law is clear that it covers not only the candidate providing the food, drink, entertainment or provision, but also persons doing it on his behalf. There exists potential room for clarification in the interpretation of the phrase “*for the purpose of corruptly influencing that person [...] to give or refrain from giving his vote at the election*”. Does one need to prove that this was the offender’s purpose? A dearth of court cases involving treating means that these terms have not been properly tested in court, so it remains unclear how they should be interpreted.

2.5 Campaign funding

2.5.1 Donations to political parties and candidates’ campaigns have become an accepted fact in modern democracies, and are necessary to an extent to ensure that candidates and parties can obtain funding for their activities. Studies on the relationship between donations and election results propose two hypotheses:

⁶ See <https://www.independent.com.mt/articles/2020-09-19/local-news/Afraid-of-Covid-Silvio-Parnis-has-a-roly-poly-for-you-6736227056>.

⁷ See <https://timesofmalta.com/articles/view/rosianne-cutajars-oranges-for-the-elderly-illegal-say-repubblika.880292>.

⁸ See <https://newsbook.com.mt/en/cutajars-halloween-stunt-irks-cassola-files-report-with-commissioner/>.

⁹ See <https://lovinmalta.com/lifestyle/living-in-malta/free-mask-anyone-maltese-junior-minister-gives-voters-a-pandemic-friendly-gift/>.

¹⁰ See <https://lovinmalta.com/news/election-2022/labour-candidate-sends-out-e10-fuel-vouchers-to-voters-days-before-election/>; also <https://timesofmalta.com/articles/view/labour-candidate-denies-sending-out-fuel-vouchers-to-constituents.943791>.

According to one hypothesis money influences election results, in which case political funding was able to shape the party system. An alternative hypothesis states that campaign donors prefer financing candidates who are expected to win elections, in which case money would reflect, but not frame the relation of power of political parties. If the latter was true, campaign donations might be less influential in tipping the balance between opposing candidates.¹¹

2.5.2 The Maltese scenario would seem to suggest that both hypotheses play a role in the outcome of an election. The difference in reported spending between the Labour and Nationalist party candidates in the run up to the 2022 election was stark, and more so between individual members of each party.

2.5.3 Paragraph 1 of the General Elections Act's Twelfth Schedule obliges candidates to provide a comprehensive list of donations in their declarations to the Electoral Commission concerning electoral expenses:

Under the head of receipts there shall be shown the name and description of every person (including the candidate), club, society or association from whom any money, security, or equivalent of money was received in respect of expenses incurred on account of or in connection with or incidental to the election, and the amount received from each person, club, society or association separately.

2.5.4 The term "equivalent of money" presumably means the provision of goods and services in kind as opposed to cash donations.

2.5.5 Likewise, heavy discounts given to political candidates, which are not economically justified (except possibly as a favour or bribe) should also be considered as donations. This is not to say that discounts are not permissible within the context of political campaigning. Trade discounts given by vendors, up to a certain amount, are also to be expected for those customers that the donor would consider preferred clients. However, such trade discounts should not put the giver/donor at a significant disadvantage or loss.

2.5.6 Moreover, the classification of a discount does not remove it from qualifying as a donation to a political candidate. It is an engrained idea that a discount given to a candidate or person in public life is almost to be expected. It has become normalised for candidates not to indicate where they have been given a discount on goods or services obtained for the running of their campaigns, simply because it is not clearly indicated that these should be declared.

¹¹ OECD, *Money in Politics: Sound Political Competition and Trust in Government* (2013), available at https://www.researchgate.net/publication/261528187_Money_in_Politics_Sound_Political_Competition_and_Trust_in_Government.

2.6 Campaign expenditure reporting

2.6.1 Paragraph 2 of the General Elections Act's Twelfth Schedule specifies that candidates should provide the following information to the Electoral Commission after an election:

Under the head of expenditure there shall be shown:

- a) *the personal expenses of the candidate incurred or paid by him or his election agent;*
- b) *the name, the rate, and total amount of the pay of each person employed as an agent (including the election agent), clerk or messenger;*
- c) *the travelling expenses and any other expenses incurred by the candidate or his election agent on account of agents (including the election agent), clerks or messengers;*
- d) *the travelling expenses of persons, whether in receipt of a salary or not, incurred in connection with the candidature and whether paid or incurred by the candidate, his election agent, or the person so travelling;*
- e) *the cost whether paid or incurred, of:*
 - i) *printing;*
 - ii) *advertising;*
 - iii) *stationery;*
 - iv) *postage;*
 - v) *telegrams;*
 - vi) *rooms hired either for public meetings or as committee rooms;*
- f) *any other miscellaneous expenses, whether paid or incurred.*

2.6.2 A note to the schedule specifies that *"All expenses incurred in connection with the candidature whether paid by the candidate, his election agent or any other persons, or remaining unpaid on the date of the return, are to be set out."* The schedule also specifies that *"For all items over fifty-eight cents (0.58) unless from the nature of the case (e.g. postage) a receipt is not obtainable, vouchers have to be attached."* Payments for which no receipt is attached must still be listed in detail with the date of payment.

2.6.3 The law does not specify whether candidates should declare all their campaign expenditure or only that incurred during the official campaign period. The reference to *"expenses incurred in connection with the candidature"* in the Twelfth Schedule can be taken as suggesting that the reporting requirements apply only to expenses incurred after individuals are officially registered as candidates by the Electoral Commission – a process which takes place after the election is called, that is to say during the official campaign period.

2.6.4 Official guidance to candidates by the Electoral Commission says that “*Elected candidates must submit to the Electoral Commission [...] a sworn return of expenses/revenue relevant to their electoral campaign. A candidate cannot spend more than twenty thousand euro (€20,000) for each district he is contesting in his election campaign.*”¹² This text links declarations directly to the legal spending limit, indicating that, in practice, the declaration to be submitted by candidates in terms of the Twelfth Schedule is treated as a means to account for the amount spent by them during the official campaign period.

¹² See https://electoral.gov.mt/Nominations_2022, paragraph 17.

3 Key Issues in Election Campaigning

3.1 Campaigning activities

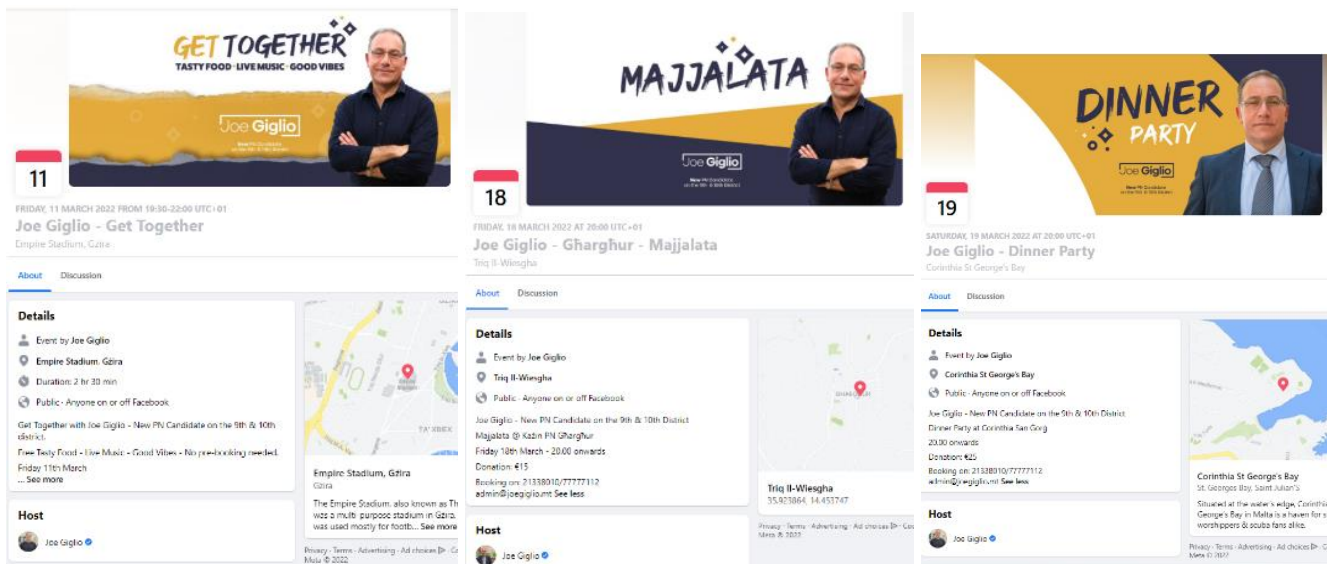
3.1.1 A sampling of electoral candidates from the two bigger parties indicated that in many cases, during and before the electoral cycle candidates engage in the same activities and events aimed at increasing their visibility among constituents. These events require funding in various degrees (some requiring no funding, others requiring significant funding). The activities include:

- house visits, where candidates visit constituents' homes
- political party mass events and district events
- meetings with lobby groups, NGOs, interest groups and businesses
- social media posts and advertising
- giving subsidised or free professional advice
- appearances on party television and radio
- articles and publications in local newspapers
- coffee mornings
- tombola/bingo events (possibly including the award of prizes)
- dinners and catered events
- distribution of candidate-branded freebies and gifts
- distribution of leaflets and advertising material.

3.1.2 Of these activities, house visits, political party events, visits with NGOs and local businesses, and appearances on political party television and radio usually incur little to no financial cost by or on behalf of an individual candidate in the normal course of events. At most, candidates may perhaps leave a campaign business card with constituents or in their homes, where the associated costs would be printing costs. However typically, these events do not lead to candidates spending large amounts of money. In fact, all six of the candidates randomly selected for this study carried out house visits within their constituencies, regardless of whether they were new candidates or serving MPs.

3.1.3 For the purposes of this section of the report, six main candidates were randomly selected from the Labour and Nationalist parties respectively. The candidates were a mix of new candidates and candidates who were already serving MPs. The activities of these candidates were examined over the period from October 2021 to March 2022, when the general election was held. Some candidates spread their campaign events out over the entirety of the period in question while others began holding their campaign events in the month immediately preceding the election.

3.1.4 Examples of activities carried out by these candidates have been taken directly from their social media pages, and in some cases, reference is made to reports in the media. Since this report is not the outcome of an investigation, no further explanations have been sought from any candidates regarding these events or any potential breaches of ethics or law.



Example 1: Events on social media advertised by a Nationalist Party candidate, one with free food and drinks, another with no indication of price, and the remainder against donations of €10, €15 and €25 respectively.

CHRISTMAS DINNER

Data: Il-Ġimgħa 10 ta' Diċembru
Post: db San Antonio San Pawl il-Baħar
Prezz: €20 li jinkludi ikla buffet u xorb
Min: Trasport jitlaq fis-7:15pm mill-lokalitajiet tad-distrett

Għall-biljetti ċemplu fuq 9900 1244 / 7966 4676 jew minghand il-helpers.

Mistiedna Speċjali: Mary Spiteri

Iċ-certifikat tal-vaccin huwa obbligatorju. Il-protokoll tal-COVID-19 se jiġu osservati.

L-AVUKAT
CHRIS BONETT
 KANDIDAT F'ISEM IL-PARTIT LABURISTA FUQ IR-4 U T-8 DISTRETT

RALLY

Data: il-Ħamis 10 ta' Marzu
Post: Villa Arrigo
Min: 8:00pm
Biljetti: 79664676 / 99001244
Prezz: B'XEJN
 Trasport jibda fis-7:30pm mill-lokalitajiet tad-distrett.

Divertiment flimkien ma'
Mary Spiteri u DJ Alex Reflex Grech

Mistiedna speċjali
 Ikel u xorb b'xejn matul is-serata.

Malta flimkien

Example 2: Two posters advertising events for a Labour Party candidate, one indicating a price for the event of €20 per guest, the other indicating free admission. Both events included food, drinks and live entertainment.

3.2 Events

3.2.1 The photos above, taken from two candidates' Facebook pages, provide an idea of what sorts of events most candidates organise before and during the election cycle. It is worth noting how in some cases participants are charged a fee or "donation" while other events are free of charge.

3.2.2 Typically, most candidates organise "coffee morning" or "tombola" events, wherein constituents are invited to attend, usually to meet the candidate and win prizes. These events are usually some of the largest constituency events held by candidates, necessitating venues capable of holding many people, logistics, transport, food and beverages, and other organisational requirements. The examples below show the sampled candidates from across the two parties advertising coffee mornings. These posters themselves represent a sole example of one event advertised per candidate. Additional coffee mornings for the candidates below were also advertised and held throughout the period in question.

SILVIO SCHEMBRI
OIBR TEGOREK DEL-JEM

COFFEE MORNING

IL-HAMIS 16 TA' DIĊEMBRU 2021
VILLA ARRIGO, NAXXAR

€5 PLATTI TRADIZZJONALI
+€3 CHICKEN JEW TUNA SALAD

BILJETTI U TRASPORT BIL-BOOKING ĊEMPEL 27451996

ATTIVITÀ ORGANIZZATA KONFORMI MAR-REGOLI TAD-DIPARTIMENT TAS-SAHHA. IC-CERTIFIKAT TAL-VACCIN JEHTIEG LI JIGI PREZENTAT FIL-BIEB.

@buttigiegrebecca | @buttigieg | buttigieg.rebecca@outlook.com

BUTTIGIEG REBECCA
KANDIDATA ĠDIDA FUQ L-10 DISTRETT

COFFEE MORNING

IL-HAMIS 11 TA' NOVEMBRU
DB SAN ANTONIO HOTEL, BUĠIBBA

All inclusive buffet breakfast
8.30am inqas li trasport mill-lokalitajiet kollha

PREZZ: €12 | BILJETTI ☎ 7707 3072

Ora l-attività se tkun mill-lejw ta' għajrek ma nsewja mar-regoli ma nsewja mis-Supretendent tas-Saħha Pubblika

EDWARD ZAMMIT LEWIS

COFFEE MORNING

8 ta' MARZU 2022 | Hin 09:00

POST VILLA ARRIGO | €5.00 TRASPORT INKLUZ

CEMPEL FUQ: 77427421 - 77555900 - 79440607 - 99843626 - 77421165

Certifikat tal-vaccin irid ikun prezentat mal-bieb. Din l-attività se tkun qed isair b'konformità mar-regoli ma nsewja mis-Supretendent tas-Saħha Pubblika.

Data: 9 ta' Frar 2022
Post: Da Hua Restaurant, Fgura
Prezz: €5 li jinkludi trasport mill-lokalitajiet tad-distrett.
Hin: Trasport jibda fid-9am

Postijiet limitati. Għall-bookings ċemplu fuq 27664676 / 79664676

Il-protokoll tal-COVID-19 se jigu osservati.

L-ABRAT CHRIS **BONETT**
KANDIDAT FORMALI PARTI LABURISTA FUQ IN-10 DISTRETT

COFFEE MORNING | **RAY ABELA**
Kandidat fuq l-1 u t-3 Distrett

POST VALENTINE HALL HAMRUN
Hin 9:00am

PREZZ €5 Transport inkluż

L-ERBGRFA 10 NOVEMBRU

BILJETTI Ċemplu 27333408 jew 79947488

www.rayabela.com


Example 3

These images illustrate candidates from the Labour Party advertising coffee morning events during the period from October 2021 to March 2022. Out of the six candidates from the Labour Party that were selected for this study, only one did not advertise any coffee mornings throughout the period in question.

Perit Toni Bezzina
27 October 2021

Issa li ċ-ċirkostanzi jippermettu li nerġghu niltaqgħu, se jkun qed isir Coffee Morning nhar l-Erbgħa 17 ta' Novembru, fi-Splash and Fun Baħar iċ-Ċagħaq.

Min: 09:30am
Prezz - €9 (Trasport inkluz)...



IL-PERIT TONI BEZZINA
COFFEE MORNING
ORGANIZZAT MILL-HBIEB TAL-PERIT TONI BEZZINA

DATA: 17 TA' NOVEMBRU
POST: SPLASH AND FUN - BAħAR IĊ-ĊAGħAQ
MIN: 9.30AM
PREZZ: €9 (TRASPORT INKLUZ)


ĊITAL AKTAR DETTALI ĊEMPEL FUQ: 79914457 / 99770140 / 21490826

Chris Said
2 February

Nistadinkom tingħadu miegħi għall-Coffee Morning li ser isir nhar il-Gimgħa 11 ta' Frar - Sannat, mid-09:30 1 qud'iem.

Din l-attività ser isegwi l-protokollu maħruġa mis-Supretendent tas-Saħħa Pubblika


Kull min jivteq jingħaqad magħna, għamlu kuntatt fuq 99228688



COFFEE MORNING U TOMBLA
IL-ĠIMGħA 11 TA' FRAR
PN SUB-HEADQUARTERS SANNAT - 9AM

KUNTATT
GHALL-BILJETTI U INFORMAZZJONI DWAR TRASPORT MILL-IRRULA 99228688

ORGANIZZAT MILL-HBIEB TAL-ONOR. CHRIS SAID




Buffet Dinner
23.10.21 | 20:30
Euro Club Hotel, San Pawl il-Baħar

€25 bit-trasport inkluz

Coffee Morning
03.11.21 | 09:30
Każin PN Naxxar

€10 bit-trasport inkluz

ĊempeL fuq: 99889289
Carabott
Garran




COFFEE MORNING ORGANIZED BY THE FRIENDS OF DR JOE GIGLIO

Join us on the 9th December 2021
@ The Palace Hotel Sliema at 9.30am

Joe Giglio

To reserve a place kindly contact us on:
Phone: 91388915
Mobile: 77777112
Email: info@joejglio.com
Dinner of €10



Coffee Morning
25th February @ 9.30am

Villa Arrigo
€6.50

Robert Arrigo
2 February

Wednesday, 3 February 2022 at 17:57

Coffee Morning fi-25 ta' Frar: fid 9:30am.

Villa Arrigo €6.50.

Bookings: 23285000 jew 79492885 jew Marina 79498539
--- See more ---

339 20 comments 17 shares

Like Comment Share

Most relevant

- Carmen Bruno Keep up the good work! 24
- Mary Pisani Keep up the good work! 24
- Giovanna J. Cordina Keep up the good work! 24
- Rita Pulis Keep up the good work! 24
- Nathalie Borg The best! 24
- Julian Borg Niġi intlek it tombra jien sur Arrigo 24

1 reply

View 10 more comments

Example 4

These images illustrate candidates from the Nationalist Party advertising coffee morning events during the period from October 2021 to March 2022. Out of the six candidates selected from the Nationalist Party, only one did not advertise any coffee mornings throughout this period.

3.2.3 The following key points can be noted from the above examples.

- Pricing for these events varies greatly, with prices as low as €5 advertised in some cases as including food, drinks and transportation.
- Some events are advertised as being organised by “friends” of the candidate, with no direct mention of who they are or how they contributed to the events in terms of organisation or funding.
- Promotional posters for events such as these do not indicate the provenance of prizes which can be won by attendees. Prizes can range from food hampers to electronics.

3.2.4 Typically, all events held by a candidate against which payment is made by attendees include costs for transportation to and from the event. This adds another dimension to these events and raises the question of actual costs incurred by the candidates versus subsidised costs, especially since tickets for typical events are often under €10.00 and include transportation and food and beverage costs.

3.2.5 Another feature of these activities is the giving of prizes or gifts to attendees. It is customary during these events that activities such as tombola will be held, in which attendees participate to win gifts. Examples are given below.

3.2.6 What is notable is that many of these events start being held well before an election is called. This means that candidates can find themselves well into a campaign six months to a year before an election is officially called. In turn, this creates questions as to the amounts that candidates are spending before the election period formally opens; where this money is being obtained from; and what oversight there is, if any, over campaign spending at this stage of the election cycle.





Example 5: Photos above and on the previous page show a Christmas event held by one Nationalist candidate at which boxes of chocolates were given to attendees. No information is advertised regarding the cost of admission and transportation.



Example 6

Another example from a Labour Party candidate's event where a table with items bearing the candidate's campaign logo, as well as a hamper and gift bags, are visible.



Example 7

In these photos from a Nationalist Party candidate's tombola event on 16 March, prizes and gift bags ready for distribution are clearly visible.

3.3 Gift-giving by candidates

3.3.1 However, activities and meetings which candidates and their teams organise with interest groups, lobbies or NGOs, are proven to incur additional expenses for candidates. Without question, not all candidates who advertise their gift-giving and charitable endeavours on their social media pages go so far as to declare the related expenditure that these gifts represent.

3.3.2 By way of examples of campaign spending on gifts, one can see candidates who visited the Mellieħa subcommittee of the Federation for Hunting and Conservation (GħKNK) prior to the 2022 general election. In this case some candidates were publicly recorded as providing a donation of a chainsaw per candidate, with other candidates opting to donate tools or water tanks.

3.3.3 For the purpose of these examples, the candidates referred to are not the six candidates selected for the purposes of illustrating general examples in this report. However, they are the candidates who were openly promoted on Għknk Mellieħa's Facebook account in the run up to the election.



Example 8 (after the 2022 election had been called)

Translation: The Għknk Mellieħa thanks the Hon. Jonathan Attard, Labour Party candidate for the General Election on the 4th and 12th District, for the gift of a chainsaw, so that we can continue to oversee and protect the Masġar tal-Aħrax. Jonathan showed full support for our organisation and promised that he will continue to give his assistance whenever it's necessary.



Example 9 (after the 2022 election had been called)

Translation: From our hearts we thank Minister Michael Farrugia for the gift of another chainsaw for us to continue with the conservation of the wooded areas of Aħrax. We greatly appreciate the fact that we have always found support from the Minister for our organisation and whenever we needed him, we found him by our side.



Example 10 (after the election had been called)

GHKNK Mellieha wants to thank the Mayor and Candidate for the General Election for the Labour Party on the 10th and 12th Districts, Mr Dario Vella, for the handsome gift of very useful tools so that we can continue to carry out conservation and maintenance within the hunting reserve at l-Aħrax tal-Mellieħa. We thank Dario for his continued support.



Example 11 (around a year before the election was called)

Translation: Last Sunday during one of our regular clearing sessions in l-Aħrax, Minister Clayton Bartolo kindly visited us. Whilst on behalf of the GHKNK we all thank him for his continued support, we cannot refrain from mentioning and once again thanking him for the donation of two water tanks that are of huge importance to the trees at l-Aħrax. Hundreds of trees are planted each year by the GH.K.N.K Mellieha and therefore a lot of work goes into required watering especially during the hot weather in summer, so this donation is greatly appreciated. Thank you.



Example 12 (around one week before the election was called)

The GhKNK posted photographs on its Facebook account a week before the 2022 election was called, which showed that one of the candidates mentioned in the previous examples participated in an event held by the organisation where it handed out prizes to winners against the candidate's campaign backdrop.

3.3.4 Cases such as these are not new, nor are they exclusive to any one political party. The giving of gifts or presents at events such as these means that in practice, political candidates are endorsing the actions of a particular group. However the extent of the relationship with a particular group, given that meetings are unregulated and unrecorded, cannot be known by the general public. Moreover, the giving of these donations, gifts and support by candidates, prior to an election being called, currently falls outside the scope of electoral legislation and thus arguably avoids formal reporting requirements.

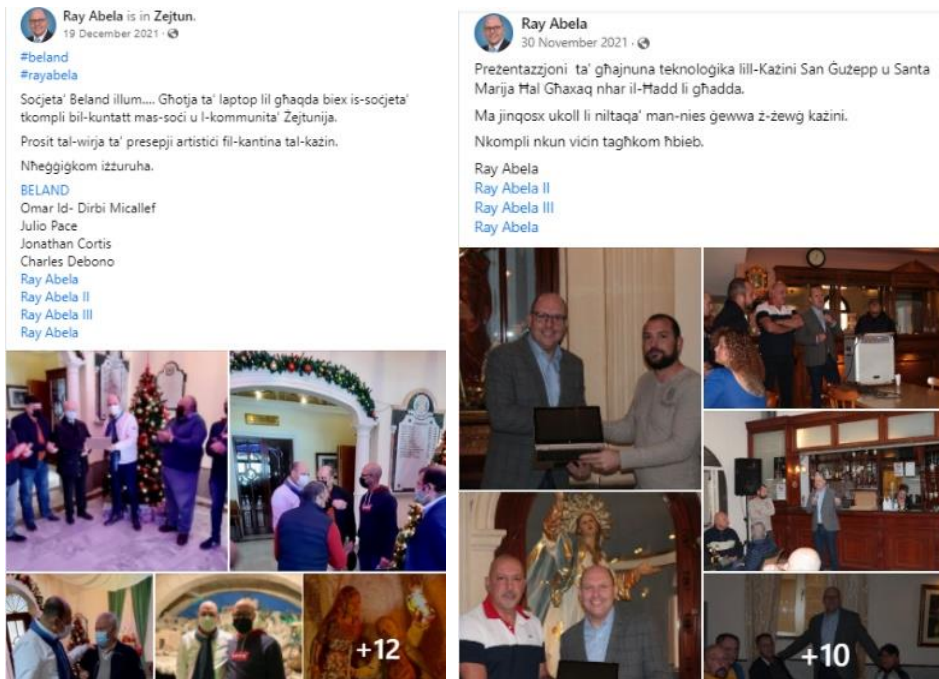
3.3.5 The gifts given by candidates to interest groups, lobbyists or NGOs can take the form of donations of money or physical gifts, often presented by the candidate. It is usually the case that the provenance of said gifts, if mentioned at all, is referred to obscurely, whether as sourced by the candidates' teams (often the case with financial donations) or sponsored (with the name of the sponsor included). Where there is no requirement to report gifts or donations given by candidates, there is no transparency as to whether the candidate may, in the future, have serious conflicts of interest.



Example 13

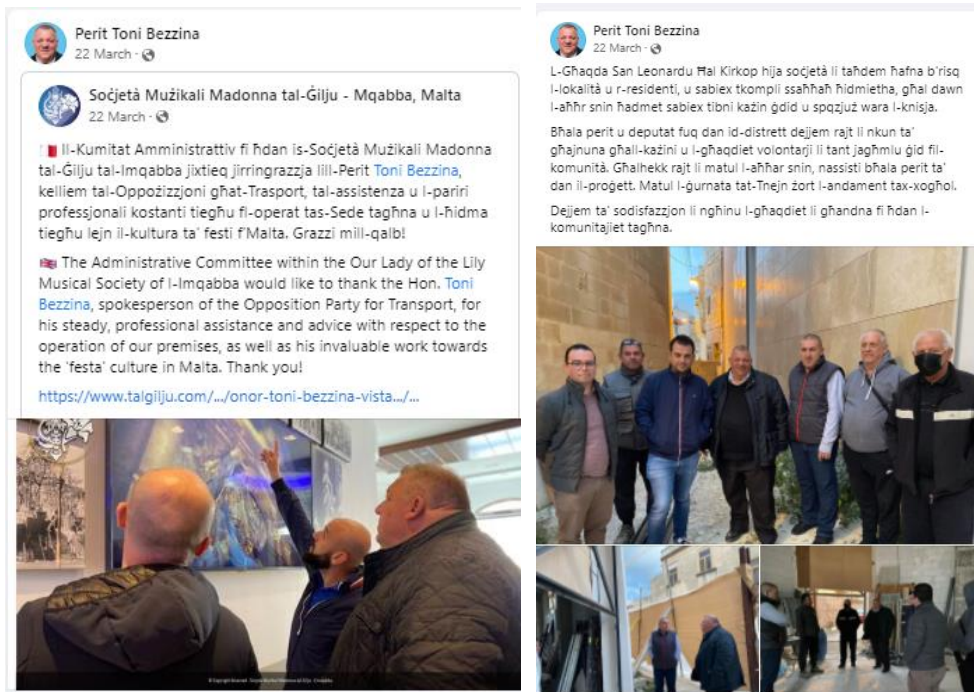
Another candidate is shown gifting a coffee machine to public health workers in his electoral district.

3.3.6 Another such example can be seen from a candidate who visited band clubs in his constituencies and donated gifts of technology to the clubs. In this case, the candidate is the owner of a local business specialising in ICT and training, thus the additional complicating question of who is providing the donation itself to these groups does not arise.



Example 14

A Labour Party candidate publicised gifts of technological assistance to the Clubs of St Joseph and St Mary of Ħal Ghaxaq, as well as the Beland Band Club of Zejtun.



Example 15

A Nationalist Party candidate who is an architect by profession posted about how he assists band clubs in his electoral district by giving them professional advice.

3.3.7 Whilst the above examples illustrate ways in which political candidates can ingratiate themselves with interest groups or lobbies, these are only available through candidates' own publicising of their activities. Given that the General Elections Act does not contain any stipulations regarding activities which are carried out before an election is called, there does not currently exist a system of enforcement which would cater for regulating activities such as those outlined above, prior to an election being formally called.

3.3.8 The Commissioner for Standards in Public Life has already had cause to examine the lacunae which exist in our laws on lobbying, and has proposed that specific provisions on lobbying be included in his proposed amendments to the codes of ethics for members of the House of Representatives and for ministers and parliamentary secretaries.¹³ In his proposals, the Commissioner outlined the feasibility of introducing a register for gifts, benefits and hospitality for MPs and ministers, as well as a transparency register to be maintained by ministers in which all relevant communications with lobbyists would be included. The aim of these initiatives is to increase overall transparency and the public's visibility of the relationships which exist between persons in public life and private interests. This could also in turn provide some transparency as regards the gifts given and received by politicians on a regular basis, and not just during the campaign cycle.

3.3.9 However, under the Commissioner's current proposals there would be no such register for political candidates until or unless they were elected to the House of Representatives. Any amendments to the law and potential reporting obligations, for the purposes of addressing electioneering and identifying actual and potential conflicts of interest and indebtedness, should be aimed at all political candidates.

3.3.10 The extended interpretation of campaign events beyond traditional constituency activities has led to controversy in some cases, as can be seen from an article published by the *Times of Malta* during the month leading to the 2022 election (reproduced below).¹⁴ Such cases have led to questions regarding the enforceability of current legislation and the need to protect minors from political exposure.

¹³ <https://standardscommissioner.com/wp-content/uploads/report-revised-codes-of-ethics.pdf>.

¹⁴ <https://timesofmalta.com/articles/view/tech-treat-labour-candidate-hands-out-vr-headsets-to-schoolchildren.940125>.

TIMES MALTA

Tech treat? Labour candidate hands out VR headsets to schoolchildren

Ray Abela's 'gift' raises questions about ethics and treating

National Election 2022 Children

9 March 2022 | Jessica Arena | 57

2 min read



Ray Abela poses with schoolchildren in his district wearing his VR headsets. Other photos he shared featured children's faces, uncensored. Photo: Facebook

3.4 Advertising on social media

3.4.1 Given the ease with which social media can be used to reach voters, it is a popular medium for candidates across party lines to promote themselves. Candidates engage in activities which they then publish on social media through specifically generated content (posting videos, photographs and graphics etc.) as well as paid advertisements which boost the candidate's profile.

3.4.2 In the case of videos, photography, web design, social media management etc., and the uploading of individually curated posts, most especially in the case of videos which are professionally filmed and edited, candidates would naturally be more likely to have incurred costs in the creation of said content. In the same manner in the case of professional photography and editing, designed logos, social media post formats and templates, it is more likely that a candidate will incur some expense in the production of professional content for their social media outreach.

3.4.3 It must also be said that not all candidates make use of professional services, and the popularity of social media, coupled with technological fluency, means that many candidates create their own content in the form of videos or photos, or have members of their campaign teams or volunteers who do so on their behalf, thus avoiding incurring fees. Likewise, professionals may offer their time to candidates at low or no cost.

3.4.4 Paid advertisements are routinely used by most candidates to increase their reach amongst the electorate in the form of targeted advertising. Depending on the social media platform used, candidates may be required to disclose, at the very least, a bracket of costings within which the advert falls. For instance, Facebook requires adverts and sponsored posts to be clearly labelled as such, and provides an estimated cost for the running of each advert (<€100, €100–€199 etc.).

Rebekah Cilia
@rebekahcilia
7,170 followers • Politician
REBEKAH CILIA
Membri Parlamentari l-Issem il-Partit Nazzjonalista

Page transparency
Page created 3 Apr 2018
Page name changed 1 time
Primary country/region location for people who manage this Page includes: Malta (3)

Ads from Rebekah Cilia
~68 results

Keyword Filters

Launched in March 2022

Post Date	Amount Spent (EUR)	Impressions	Estimated Audience Size
26 Mar 2022 - 27 Mar 2022	<€100	10K-15K	100K-500K people
25 Mar 2022 - 26 Mar 2022	<€100	5K-6K	100K-500K people
24 Mar 2022 - 26 Mar 2022	<€100	3K-4K	100K-500K people

Example 16

In this example we can see how sponsored posts on Facebook indicate the amount of money spent by candidates. The above is a sample of 3 out of 62 sponsored posts uploaded by one candidate since May 2021, almost one year before the 2022 election took place. Each sponsored post is during that period is indicated as costing less than €100, barring one post in the €100–€199 bracket and one in the €200–€299 bracket.

Ads from Darren Carabott

~37 results

Keyword

Launched in March 2022

Ad ID	Launch Date	Estimated Audience Size	Amount Spent (EUR)	Impressions
399518874854473	28 Mar 2022 - 28 Mar 2022	10K-50K people	<€100	10K-15K
2177258302429491	26 Mar 2022 - 26 Mar 2022	10K-50K people	<€100	4K-5K
683720269535428	26 Mar 2022 - 26 Mar 2022	10K-50K people	<€100	9K-10K

Each ad card includes a 'See ad details' button and a preview of the sponsored post content.

Example 17

The above is a sample of 3 out of 35 sponsored posts uploaded by one candidate since November 2020, when the candidate announced that he was running for election. Almost all sponsored posts during this period are indicated as costing less than €100. One post is indicated as being in the €200–€299 bracket. Two posts are indicated in the €100–€199 bracket. Another post which ran on two platforms (Facebook and Instagram) is indicated in the €500–€599 bracket.

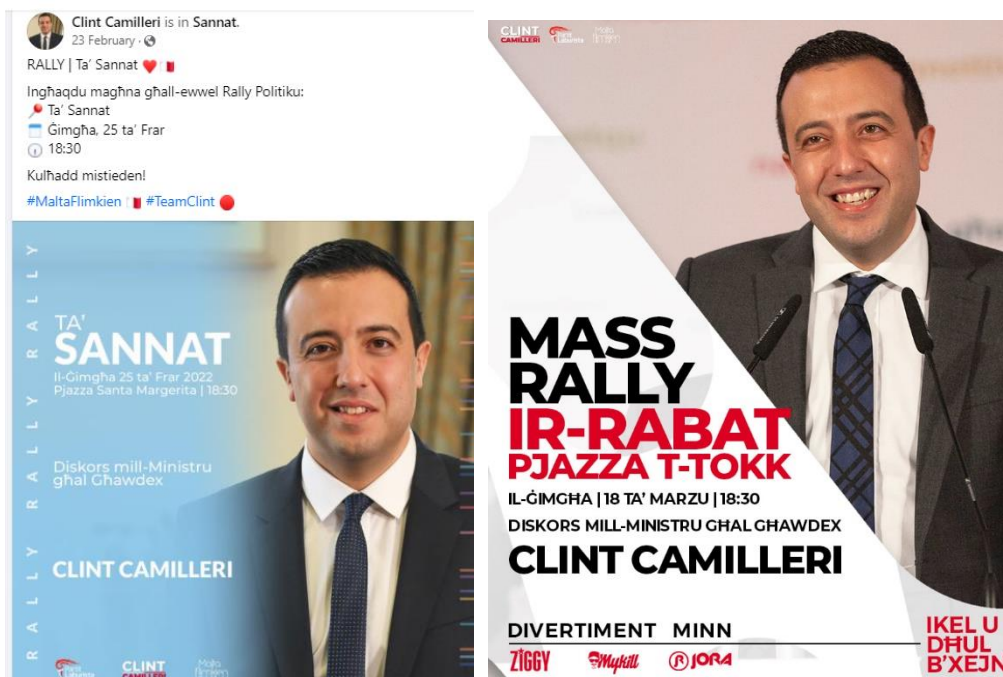
3.4.5 All twelve of the candidates selected for this study made use of sponsored posts on Facebook to promote their campaign. In general, most sponsored posts were valued at less than €100, however some posts, albeit more rarely, such as one mentioned in the above example, are indicated as being in thresholds up to €500–€599.

3.5 Large-scale events

3.5.1 Finally, a less frequent and more recent example comes in the form of mass events held by certain candidates, who are notably incumbent/longstanding candidates (normally Ministers). These events are characterised by their scale, far outstripping other smaller “meet the candidate” type of events outlined above. They often include entertainment in the form of live music, with multiple artists performing, catered food

or food stalls, and beverages on offer, as well as other activities such as children’s entertainment. Such events necessitate large venues. Examples of the venues used are the Mediterranean Conference Centre, Montekristo Estates, and the Malta Fairs and Conventions Centre (MFCC) at Ta’ Qali.

3.5.2 There is nothing inherently wrong with large-scale campaign events, but given the costs which are typically associated with putting on large events, they lead to obvious questioning as to how candidates can finance multiple events of this nature. Candidates would do well to recall that every aspect of such events, from seating to staging to performances to food and beverage all have an actual cost, and a market cost. If the candidate is benefitting from a favourable rate, either because the candidate is known by the vendor or because the vendor hopes for future preferential treatment by the candidate, these still have a “value” and should therefore still be declared. Yet this is not currently the case, and benefits of this kind are not declared by candidates, nor have ever been publicly audited.



Example 18

Promotional posters shared by a candidate for two mass rallies within his constituency. During a relatively short period this candidate held many similar events, characterised by their more elaborate set up, food and beverage stalls, entertainment and so forth.

 **Clint Camilleri** is at **Pjazza Indipendenza, Victoria (Rabat), Gozo.**
19 March at 09:55 · Victoria · 🌐

X'merħba mill-isbaħ minnkom l-Għawdxin ❤️ 🇲🇵

GRAZZI minn qiegħ qalbi tas-sapport, il-kuraġġ u l-enerġija li tgħajtuni tul din il-mixja flimkien! 🙏

GRAZZI Għawdex! 🍷 🍷



 **Clint Camilleri**
19 March at 09:55 · Victoria · 🌐

— at **Pjazza Indipendenza, Victoria (Rabat), Gozo**

26

Like Comment Share



Example 19

In this post the same candidate promoted one such mass event, the last of his campaign, and subsequently uploaded photos (above and previous page) showing the scale of the event. The aerial photos show additional marquees set up aside from the main stage, as well as a bar area.

3.5.3 Example 19 represents just one of multiple similar events held by the candidate. The event in question is advertised as offering free entry and food for attendees, as well as entertainment by DJs. What is also evident from the photos is the set-up of a bar area and other stalls to cater for hundreds of attendees. Aside from this, the infrastructural set-up includes tents, seating, carpeting, sound systems, film cameras and professional photography (although it is not clear whether any of these belong to the Labour Party media house One News), as well as branded items such as sweatshirts and flags bearing the candidate's name.

3.5.4 Where a candidate is financially comfortable holding so many large activities, with all the trappings of a full campaign event, one has to question how the financing

for these events is being obtained, as well as what the total cost incurred by the candidate must be for events of this scale.

3.5.5 Other similar events held by the candidate can be noted per the below, where the candidate advertised the events in question in the screenshots taken from his Facebook page, whilst the photos uploaded afterwards show the scale of these events:

Clint Camilleri is in Xaghra.
4 March at 16:00

Kollox jinsab lest ghat-tieni Rally 🇲🇹 f din il-kampanja għall-Elezzjoni Generali 🇲🇹🇲🇹🇲🇹🇲🇹!

Fit sigħat oħra niltaqgħu lkoll x-#Xaghra!

📍 Mithna ta' Kola
🕒 Illejl!
🕒 18:30

Nisimghu · Nahdmu · Inwettqu ✓

#MaltaFimkien #TeamClint 🇲🇹




Clint Camilleri is in Xaghra.
5 March at 10:45

GRAZZI Xaghra ❤️ | GRAZZI Ghawdex! 🇲🇹

Bla kliem bis-sapport li qegħdin tagħtuni tul din il-kampanja 🇲🇹 b'mod partikolari wara r-Rally success f'Ta' Sannat kif ukoll il-bierah gewwa x-Xaghra bil-mijiet li qed tattendu bi hgarkom! 🇲🇹

Grazzi minn qiegh qalbi 🇲🇹🇲🇹

Nisimghu · Nahdmu · Inwettqu ✓



Clint Camilleri is in Ix-Xewkija.
11 March at 13:20

Kollox lest għal 6.30 🇲🇹 f'tal-Ħamrija! Niltaqgħu 🇲🇹




👍❤️ 544 25 comments 38 shares

Clint Camilleri is in Ix-Xewkija.
12 March at 10:18

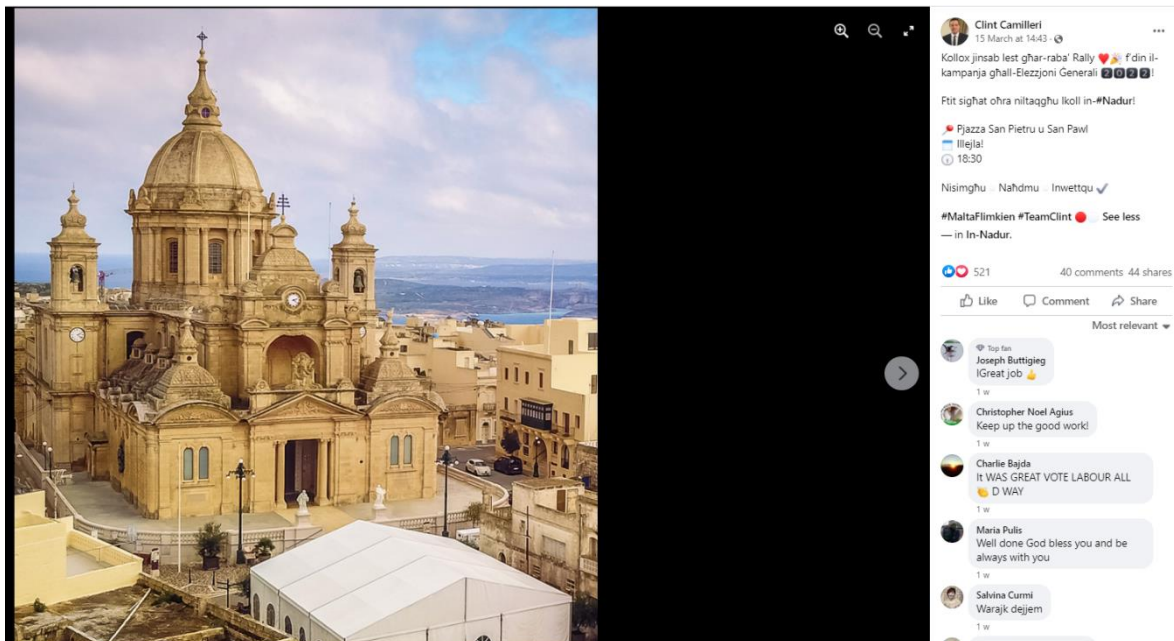
GRAZZI Xewkija ❤️ | GRAZZI Ghawdex! 🇲🇹

Nirringrazzjakom tal-merħba mill-isbaħ gewwa x-#Xewkija fit-tielet Rally ta' din il-kampanja flimkien! Illejl nagħtu merħba akbar lil għaziz Prim Ministru Robert Abela fil-#Qala!

Niltaqgħu mill-għid 🇲🇹🇲🇹

Nisimghu · Nahdmu · Inwettqu ✓





3.5.6 This type of event, as held by individual candidates, was less frequent albeit not unique. Whilst the Labour and Nationalist parties both held large rallies for their supporters, individual candidates from both parties generally did not hold the same sort of large-scale events, which of their nature require more coordination, infrastructure and expenses. Notably, only one other candidate from the selected six organised similarly large events, as illustrated by the examples below.



Example 20

Promotional poster advertising a Christmas event for children with entertainment, bouncy castle, food and drinks, offered at the price of €10. This event took place before the election was announced. After the event the candidate in question uploaded over 180 photos of families and children who participated, giving some idea of the scale of the event. The event included live entertainment for children, gaming set ups and presents for children.



Silvio Schembri-Follow
Mar 2

Inghaqdu mieghi u ma' shabi nhar is-Sibt 12 ta' Marzu ghal din l-attivita' mill-isbah Ahsbu kmieni ghall-biljetti ... See more



219

6 comments • 95 shares

Silvio Schembri
9 March at 13:37
Hudu Nota, s-Sibt li għej ser nimxu għal post ikbar! | MFCC, Ta' Qali Fully Booked | Grazzi minn qalbi



867

15 comments 93 shares



Silvio Schembri
19 March at 13:46

Ghall-attivita' ta' llejla aghmlu uzu mil-park and ride li organizzajna minn Blata l-Bajda faccata tal-Peugeot showroom u jwaslukom sa ezatt quddiem il-bieb ta' Dar il-Mediterran. Mis-6:30 pm sa 12:00 am. Narakom.



Example 21

Promotional posters for two additional mass events held by the same candidate within one week of each other. The election campaign dinner event was advertised as having to relocate to a larger venue. A professional video of the 19 March 2022 event was produced as additional promotional material and subsequently uploaded to the candidate's Facebook page.



Example 22

Photos uploaded by the candidate after the event at Ta' Qali (the campaign dinner) that is featured in the previous example indicate the scale of the campaign dinner, with branded items, catering set-up, lighting and stage set-up.





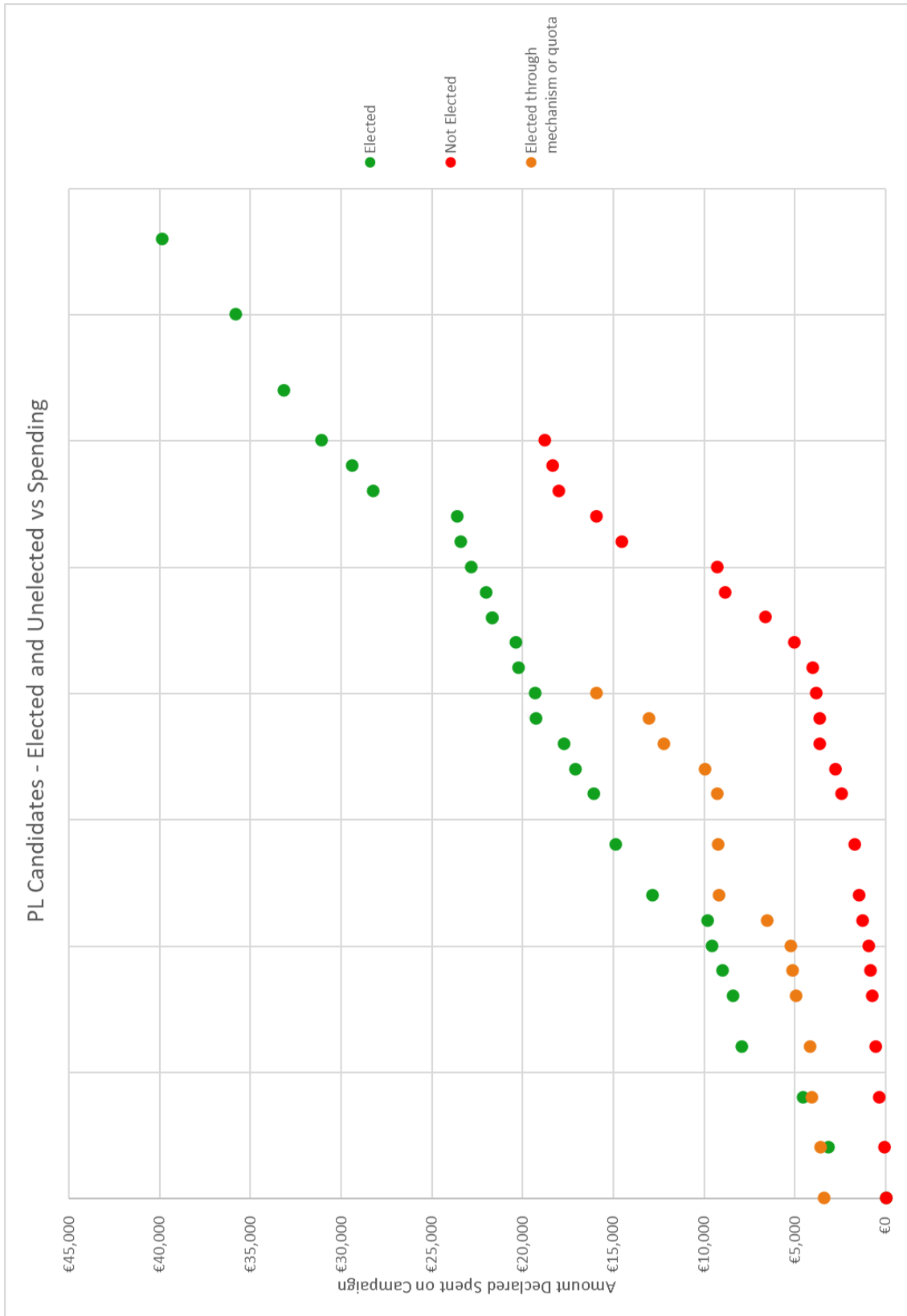
Example 23

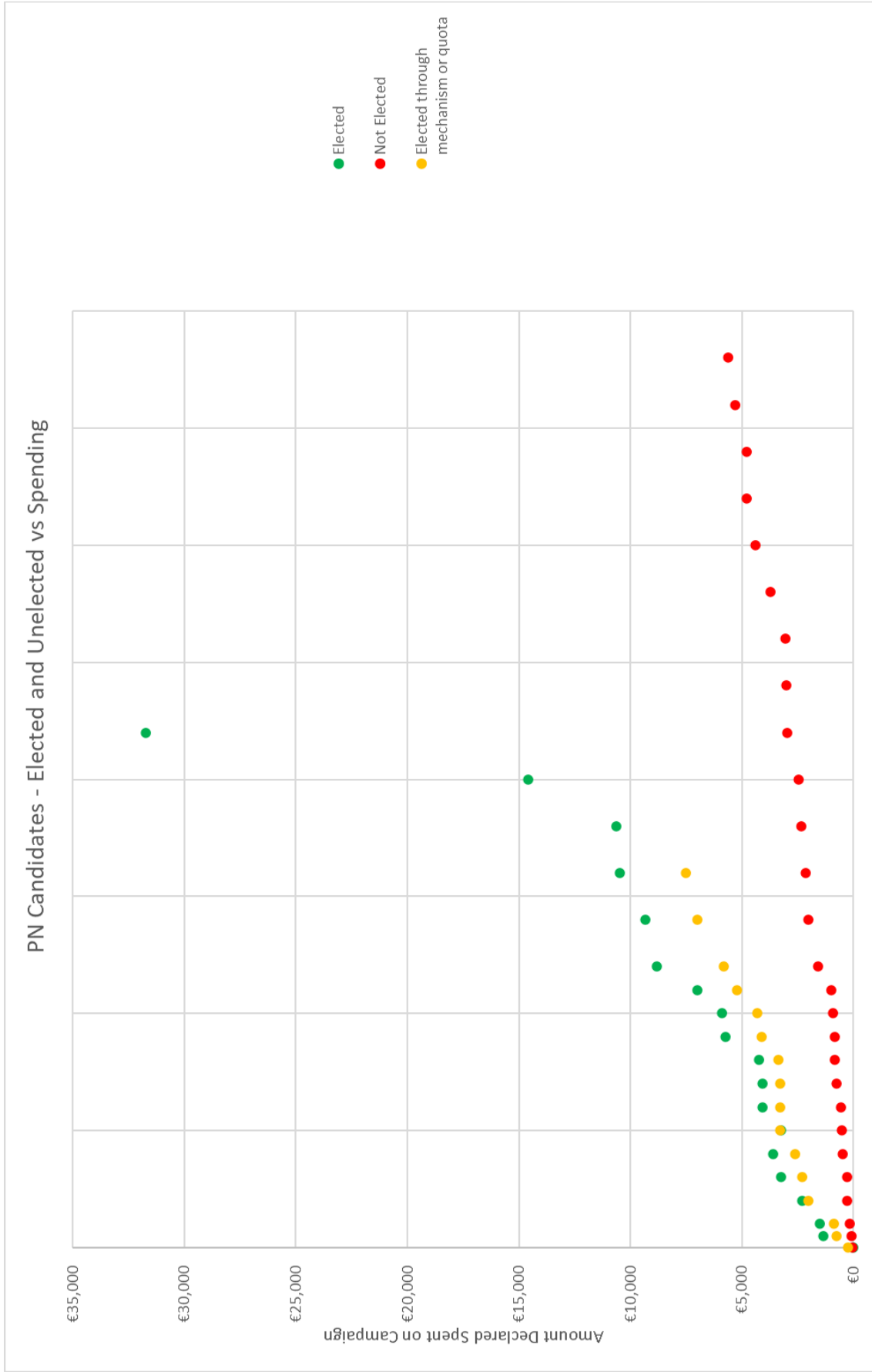
Photos (above and previous page) uploaded by the candidate of his election concert event, held one week after the previous event, also show expensive branded items, a bouncy castle for children, and a packed venue.

3.5.7 The holding of these events repeatedly over the course of an election cycle, as well as all the elements which go into holding such an event (merchandise such as flags, banners, placards, entertainment, sound and lighting, support staff, catering and so forth), necessarily leads to questions regarding the actual spending which certain candidates engage in, as compared with the limit set in the General Elections Act for campaign spending. As already noted, however, the legal limit applies only to spending during the official electoral campaign, which ran for just five weeks in the case of the March 2022 general election.

3.6 Does campaign spending make a difference?

3.6.1 After the 2022 general election, campaign expenditure as declared by candidates for the two largest political parties in Malta stood as shown in the charts overleaf.





3.6.3 The above charts are based on the declarations of expenditure made by candidates to the Electoral Commission. Each chart distinguishes between candidates directly elected on the first or subsequent counts; candidates elected subsequently, either through a casual election, the corrective mechanism to assure proportionality in party representation, or the corrective mechanism to assure gender representation; and candidates not elected. The chart excludes one member of Parliament who was co-opted into Parliament without having contested the election. In addition, software limitations mean that the dots on the charts corresponding to the party leaders, who were directly elected but declared no personal campaign spending, are obscured by those of unsuccessful candidates who also did not declare any spending. For these reasons the number of dots does not correspond to the full number of MPs currently in Parliament.

3.6.4 From the charts, a few points of note emerge. Amongst the party in government, over half the members of Parliament who were directly elected without a casual election or other mechanism declared campaign expenditure of over €19,000. The gap in expenditure between these candidates and candidates elected indirectly (through casual elections or another mechanism) is a notable one. The expenditure gap between candidates elected indirectly and those candidates who were not elected is much smaller. Higher spending correlates to the types of events that were promoted on social media, as well as campaign merchandise and so forth.

3.6.5 The chart relating to the party in opposition shows that in general far less campaign expenditure was reported for candidates of this party, which correlates to what appeared to be less ostentatious campaign events. One candidate stood out as having declared expenditure of over €30,000, more than double what the next highest spending candidate reported.

3.6.6 Both party leaders declared campaign expenses of €0, as is expected given their status as party leaders where campaigning takes the form of mass addresses and informal meetings with constituents rather than the form of campaigning undertaken by their colleagues. While the party campaign is intended to support all the party's candidates, it naturally is the platform on which the party leader, individually, bases his or her election campaign and traditionally is elected.

3.6.7 Declared campaign spending over €25,000 by candidates across both parties was less frequent, albeit not negligible. As already noted, one candidate for the Nationalist Party declared campaign expenditure in excess of this amount, as did six candidates for the Labour Party.

3.6.8 The charts suggest that, while a high level of campaign expenditure does not guarantee success, the amount of money spent by each candidate does make a difference to his or her electoral prospects. It should be borne in mind that in the Maltese electoral system five candidates are elected from each district, and each of the two main political parties fields several candidates in every district. Thus each candidate must compete with other candidates from the same party as well as candidates from

other parties. No candidate has a “safe seat” unless perhaps he or she happens to be the party leader. The risk is that candidates would feel compelled to spend more money in order to compete more effectively with higher-spending candidates, with the result that campaigning would come to be perceived as necessitating more and more expenditure over time. That personal funding in turn has to be sourced.

3.6.9 In this context it is alarming to note that, of the six Labour party candidates who declared an expenditure of more than €25,000, four had been ministers during the previous legislature (all of whom retained ministerial office after the election). It appears unlikely that this money came from the personal savings of the ministers in question, given that a minister earns around €59,000 per year. The issue of obligations incurred by candidates towards their campaign donors becomes particularly worrying in the case of ministers, given that ministers are in a position to take decisions and commit resources in the name of the public. Yet reporting on donations is often lacking, especially when no election has been announced and therefore no formal reporting is required.

3.7 Campaign finance reporting

3.7.1 The declarations on campaign expenditure that were submitted by candidates to the Electoral Commission following the March 2022 general election were reviewed for the purposes of this report.

3.7.2 Candidates’ declarations do not reflect the material uploaded by candidates on their social media accounts in the form of photos, videos and posts about their campaign events. In short, social media posts by candidates paint a more expensive picture than their returns to the Electoral Commission.

3.7.3 One problem is that the forms which candidates are required to submit after the election do not always specify in clear terms what information candidates are required to provide. For example, the General Elections Act does not specify what “*equivalent of money*” refers to or how it should be interpreted. This term appears in the Fourteenth Schedule, which reproduces provisions from the Electoral (Polling) Ordinance. However, the remainder of the Ordinance was repealed by the General Elections Act, so there is no context for the interpretation of these sections.

3.7.4 Form C (return of expenses) is the actual form in which candidates indicate the expenses they have incurred during the running of a campaign. The form is meant to include any expenses paid by the candidate or their election agent, any expenditure on employment for the purposes of conducting a campaign, travelling expenses for the candidate or any other person, printing, advertising, stationery, postage, telegrams, hire costs and other miscellaneous expenses. The form itself is both outdated and limited, being only one page long and not encompassing the modern basic elements of campaigns. The form refers to postage and telegrams but not to electronic services, telephony, audio, staging and so forth. It therefore leaves room for evasion by

candidates who may choose to interpret the form as very limited, and not declare all expenditure simply because it is not specifically requested.

3.7.5 For instance, it appears common for candidates to rent a campaign office and even to engage staff on a paid basis, in addition to enlisting volunteers. However, only a very small minority of candidates make reference to such costs in their returns of expenditure.

3.7.6 In general the reporting of expenses by candidates tends to be haphazard. In most cases it is difficult to ascertain how many events a candidate held during the campaign period or which receipts correspond to which events. Some invoices attached by candidates are for services throughout the campaign, while other invoices provide no dates.

3.7.7 At the very least, the content of the form must be developed, to spell out more varied scenarios or vehicles which constitute campaign spending in practice. The current format of the form does not encourage transparent or detailed reporting of campaign expenditure.

3.7.8 Form A, another form submitted at the same time, requires candidates to swear on oath that their election return is true, to the best of their knowledge and belief, and that aside from the expenses set out in the form, no other expenses of any nature were incurred for the purposes of the candidature. This section is usually attested to before a commissioner for oaths, most commonly a notary public.

3.7.9 However, after submitting this form candidates are often approached by the Electoral Commission to provide clarifications with respect to the information provided by them. In quite a number of cases, candidates provide clarifications and corrections indicating where they may have over- or underdeclared campaign spending. This means that, at best, candidates are not drawing up their declarations with the care one would expect of a document backed by a sworn statement. Whilst there should be leeway given to candidates to account for human error, such a cavalier attitude should not be tolerated.

3.7.10 Another issue is that candidates seem to be able to submit correct information to the Electoral Commission in a number of formats. Some candidates when questioned by the Electoral Commission provide further details in correspondence to the Commission, but do not amend the form as submitted. Others submit a new form. Yet the manner of making submissions is unclear and unformatted, as are the criteria on which the Electoral Commission requests clarifications from candidates.

3.7.11 Form B (receipts) which must also be submitted by candidates as part of their return of election expenses provides the candidates with the space to declare income received from persons, clubs, societies and associations, therefore donations in the form of "*money, security or equivalent of money*". The candidate is supposed to indicate the name of the person, club, society or association, description (if the donor is an entity)

and the amount of money, security, or equivalent of money. The final section of this form should indicate the total receipts, as a summation of all entries that candidates should indicate in the previous sections.

3.7.12 However, three quarters of all candidates with the two main political parties did not declare any receipts or donations. Some of those who did declare receipts gave the source as campaign events, fundraising, or simply their campaign team – meaning that they did not specify who their donors were. One minister who declared donations of over €40,000¹⁵ gave the source of the funds simply as “*Fundraising Events Team*”.

3.7.13 It is clear is that the format of the form in its current iteration is no longer fit for purpose when the nature of party and candidate financing has become so complex. There is, for example, no clear indication that candidates should declare whether they have received any services or goods at discounted or favourable prices. Neither is there any indication of loans or funds given to a client for the purpose of conducting a campaign, prior to the campaign season formally commencing.

3.7.14 Another notable absence already mentioned is the requirement to declare donations of items or gifts which candidates give to attendees of their campaign events. Candidates are often invited to attend events organised by groups other than their campaign team. This could include events organised by band clubs, interest groups, and individuals, at which the candidate is either invited to attend or the candidate’s team arranges for him or her to make an appearance. In cases such as this it is common for the candidate to be asked to present a gift or donation to the group organising the event. Such gifts or donations arguably represent a campaign expense on the candidate’s part, but the current format of the documentation which candidates are required to submit after the election does not encourage candidates to declare them. Some candidates do declare the giving of donations, such as cheques. But physical items gifted are often excluded from candidates’ expenditure reports.

¹⁵ €40,000 represents the total allowable campaign spending for candidates contesting on two electoral districts. The candidate’s declared expenditure was just under this limit, meaning that he declared raising more money than he spent.

4 Conclusion

4.1 Recapitulation

4.1.1 The findings of this report can be summarised as follows:

- By law, candidates can spend up to €20,000 for each district that they contest – meaning that those who contest two districts can spend up to €40,000. However, this limit is all but meaningless because it applies only to expenditure incurred during the official campaign period. This period can be short – just five weeks in the case of the March 2022 general election. Candidates typically start campaigning far earlier.
- Not all candidates spend this much, at least going by their post-election declarations to the Electoral Commission. However, 45 per cent of all candidates with the two main political parties declared spending €5,000 or more.
- Seven candidates declared spending more than €25,000 – one from the Nationalist Party and six from the Labour Party. Of the latter six, four were ministers.
- Declarations do not necessarily give a true picture of campaign spending by candidates, because declarations tend to be understood as requiring a return of expenditure during the official campaign period only (corresponding to the legal limit of €20,000 per district).
- A survey of candidates' public social media posts supports the previous point because it brings to light campaign events that do not appear reflected in candidates' declarations.
- The declaration forms themselves are outdated and unclear. In many cases actual declarations do not even satisfy the requirements in the forms. For instance, after the March 2022 election only a limited number of candidates provided a detailed list of campaign donors.

4.2 Issues

4.2.1 The question of whether wealth is necessary to run a successful political campaign is one which merits serious discussion and should be at the heart of potential reform. Political campaigning and associated costs are not new phenomena, nor is it feasible to expect most politicians to run successful campaigns whilst spending little to no money, especially where they may be unknown or new candidates.

4.2.2 Nevertheless, there is a danger of Malta moving from a situation where candidates *can* spend large amounts of money to one where they are *obliged* to do so in order to compete more effectively with other candidates in the same district and to

have a realistic prospect of election. This could create a snowball effect in which, over successive elections, candidates come to perceive that they must spend increasingly larger amounts in order to mount a competitive campaign. This can easily lead to a situation where potentially valid candidates with much to offer the country by way of political service are dissuaded from contesting elections because they lack the means or they are unwilling to spend so much money to gain political office.

4.2.3 The risk is that, increasingly, the vacuum left by the abstention from politics of genuinely public-spirited individuals would be filled by others who regard politics as a means for personal gain, in which case they would regard the cost of campaigning as an up-front investment to be recouped after gaining political office; or individuals who see nothing wrong in accepting money from campaign backers and, in return, legislating or taking decisions in favour of those backers once they are elected. Either situation would undermine standards in public life and erode public trust in the political process. The erosion of public trust in politics would make it even harder to attract public-spirited persons to politics, creating a circular cause-and-effect chain that would be difficult to break.

4.2.4 The fact that some ministers are among the highest campaign spenders is particularly preoccupying in this context. It is hard to see how ministers can afford to spend half their annual income on their election campaign, or to understand why they would be willing to do so. Proper and comprehensive reporting of campaign donations is a particularly important and pressing matter where ministers are concerned.

4.3 Possible action to be taken

4.3.1 It is fair to say that, at present, campaign spending by individual candidates in general elections is unregulated. The official spending limit of €20,000 per district is poorly enforced and, in any case, it applies only to spending during a relatively brief period. This raises the question of whether there should be a cap on campaign spending by candidates throughout the electoral cycle, that is from one election to another regardless of when the official campaign starts. A related question is how to enforce such a cap effectively, in terms of how candidates should report their expenditure and to whom they should report it.

4.3.2 Another issue is the reporting of campaign donations. As a matter of critical national importance, candidates should be obliged to report all significant donations, regardless of when they are given, and this obligation should be effectively enforced. This would enable the electorate to determine whether candidates have obligations that would limit their ability to serve the public interest if elected. Such scrutiny would serve as a disincentive to candidates against accepting donations on a large scale, since candidates who did so would face a political cost. This in itself would act as a brake on the growth of campaign expenditure.

4.3.3 In the absence of such a measure, a legal limit on campaign expenditure – even if effectively enforced – might easily come to be seen by candidates not as a maximum but as a target they must aspire to in order to stand a reasonable chance of getting elected. The result might be to increase overall campaign spending by candidates as opposed to bringing it under control.

4.3.4 Unrestrained campaign spending can trigger a race to the bottom in terms of standards in public life, with conflicts of interest abounding and abuses of office becoming commonplace on the part of ministers and MPs. It is vital to the health of democracy in Malta that campaign spending by general election candidates is brought under control and this situation avoided.