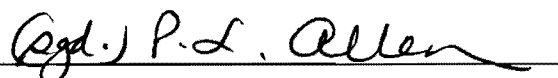


JAMAICA

No. 21 – 2014

I assent,

[L.S.]



Governor-General.

23rd December, 2014

AN ACT to Amend the Representation of the People Act.
The date notified by the Minister
[**bringing the Act into operation**]

BE IT ENACTED by The Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Representatives of Jamaica, and by the authority of the same, as follows:—

1.—(1) This Act may be cited as the Representation of the People (Amendment) Act, 2014, and shall be read and construed as one with the Representation of the People Act (hereinafter referred to as the “principal Act”) and all amendments thereto, and shall come into operation on such day or days appointed by the Minister by notice in the *Gazette*.

Short title and construction.

(2) For the purposes of this section, different days may be appointed for the commencement of different provisions of this Act and for different purposes of the same provision.

Amendment
of section 2
of principal
Act.

2. Section 2 of the principal Act is amended by—

- (a) inserting next after the definition of “appropriate digit” the following definition—

“authorized representative”, in relation to a political party means the person named in the application for registration of the political party for the purposes of section 52D(2)(b)(iii) as the authorized representative;”;

- (b) deleting the definitions of “candidate”, “candidate at an election” and “election”, respectively, and substituting therefor in the appropriate alphabetical sequence the following definitions—

“candidate” means any person aspiring for or seeking an elected public office who—

- (a) is duly nominated by a registered political party or seeks office independently; and
- (b) has been issued with a certificate of candidacy by the Commission;

“certificate of candidacy” means the prescribed certificate issued by the Commission verifying that a candidate has been duly nominated as a candidate;

“Commission” means the Electoral Commission of Jamaica established under section 4(1) of the *Electoral Commission (Interim) Act*;

“contribution” or “donation” means—

- (a) any gift of money, gift in kind or any other benefit which can be computed in terms of money, given to a political party or a member of a political party for the purpose of carrying out the activities of the political party; and

(b) any political party subscription;

“Councillor” has the meaning as in section 2 of the
Parish Council Act;

“election” means—

(a) for the purposes of Part VB—

(i) a general election;

(ii) an election to membership
of—

(A) the Council of the
Kingston and St.
Andrew Corp-
oration;

(B) a Parish Council; or

(C) a Municipal Coun-
cil;

(iii) a by-election; and

(b) for the purposes of this Act, other than
Part VB, an election of a member;

“independent candidate” means a candidate who is not
a member of or is not representing a political party
and has been issued with a certificate of
candidacy;

“member of the political party in good standing” means
a member of a political party whose political party
subscriptions are fully paid up;

“nominate”, for the purposes of Part VB, means to
propose a candidate for an election in accordance
with the provisions of this Act;

“officer”, in relation to a political party, means the
national chairman, the President or Leader, the
general secretary, the chief financial officer, the
authorized representative and any other person
designated in accordance with the rules of the
political party as an officer, as a member of the

executive committee or of any standing committee of the political party;

“political party” means an association, organization, affiliation or group of persons joined to form a political organization for the principal purposes of—

- (a) influencing public opinion;
- (b) endorsing one or more of its members as candidates and supporting their election; and
- (c) participating in the representation of the people by contesting elections, nominating or endorsing its members as candidates or carrying out other political activities on an ongoing basis;

“political party subscription” means the required dues and fees for membership in a political party made in accordance with the rules of the political party;

“President” or “Leader”, in relation to a political party, means the person duly elected or otherwise appointed to lead and direct the affairs of the political party;

“Register of Political Parties” means the register kept and maintained under section 52Y(1);

“registered political party” means a political party registered under section 52M;

“Registrar of Political Parties” or “Registrar” means the officer of the Electoral Office of Jamaica who is designated by the Director of Elections under section 52X;

“slogan” includes symbol and motto;

“state funding” means the provision by the state of financial and other resources to a registered political party.

3. The principal Act is amended by inserting next after Part VA the following as Part VB—

Insertion of
new Part VB
in principal
Act.

“ PART VB. *Registration and Deregistration of
Political Parties*
Registration of Political Parties

Political
party to be
registered
in order to
contest
elections.

52C.—(1) Notwithstanding any other law, the nomination of a candidate for the purposes of Part III in relation to an election shall not be valid unless the nomination is in respect of a person who is—

- (a) a candidate of a registered political party; or
- (b) an independent candidate, who shall be described as such on the nomination papers.

(2) For the purposes of subsection (1)(a), a person is a candidate of a registered political party if at the time of nomination, a list has been issued to the Director of Elections by or on behalf of the authorized representative of the registered political party authorizing that person to stand for election in the name of the political party.

Application
for registra-
tion of
political
party.

52D.—(1) Subject to section 52E, the President or Leader and one other authorized representative of a political party that proposes to operate or function as a registered political party (hereinafter called the “applicant party”) shall jointly apply to the Commission for registration of the applicant party as a registered political party.

(2) An application for registration under this section shall be—

- (a) made in the prescribed form and manner; and

(b) accompanied by—

Sixth
Schedule.

(i) two copies of the constitution of the applicant party which shall contain provisions with respect to the matters referred to in the Sixth Schedule;

Seventh
Schedule.

(ii) the documents and information referred to in the Seventh Schedule;

(iii) the name and address of the authorized representative; and

(iv) the prescribed fee.

(3) Subject to section 52E, the Commission shall, as soon as is practicable, upon receipt of an application under subsection (1), issue the applicant party with a provisional certificate of registration and thereafter act in accordance with section 52G, 52J, 52K or 52L.

(4) Where the Commission notifies the applicant party, in writing, that it requires further information to clarify or verify any information contained in an application for registration under this section, the applicant party shall, within such period as the Commission may indicate, provide the Commission with such further information.

(5) Every political party desirous of registering with the Commission shall nominate an officer of the party to be designated as the authorized representative who shall be responsible for liaising with the Commission with respect to matters referred to in this Part.

Application
not to be
made
during
certain
periods.

52E. The Commission shall not accept any application under section 52D during any of the following periods, namely, from the—

- (a) date of the dissolution of Parliament for the holding of a General Election until the date of the next sitting of Parliament;
- (b) issue of a writ of election or the publication of an order in the *Gazette*, as the case may be, for a by-election until the day after the member or Councillor, as the case may be, is declared;
- (c) issue of a Proclamation or an order published in the *Gazette* as the case may be, for the holding of the election for membership on—
 - (i) the Council of the Kingston and St. Andrew Corporation;
 - (ii) a Parish Council; or
 - (iii) a Municipal Council,

until the day after the Councillor or member is declared; or

- (d) announcement of the holding of a referendum until the day after the referendum is held.

Withdrawal
of applica-
tion.

52F. The President or Leader and the authorized representative of a political party that has made an application under section 52D (1) may withdraw the application, at any time before registration, by sending a written request to that effect to the Commission.

Objection
to regis-
tration.

52G.—(1) Subject to subsection (2), the Commission shall, not later than seven days after the receipt of an application under section 52D(1) for registration as a political party, cause a notice of the application to be published in the *Gazette* and in at least one daily newspaper circulated in Jamaica and in such other manner, as the Commission may determine, at least once in each of two successive weeks.

(2) A notice by the Commission under subsection (1) shall—

- (a) invite objections from any person to the registration of the applicant party as a political party;
- (b) stipulate that objection may be made within a period of thirty days after the date of the first publication of the notice;
- (c) indicate—
 - (i) the name of the political party;
 - (ii) the identifying symbol, slogan or logo used or proposed to be used, by the political party; and
 - (iii) the colour used or proposed to be used by the political party.

(3) Every person who desires to object under this section to the registration of a political party, shall give notice in writing to the Commission stating—

- (a) his name and address;
- (b) the ground of his objection; and
- (c) any facts and reasons upon which he relies in support of the objection.

(4) Except in such exceptional circumstances as may be determined by the Commission in any particular case, an objection under subsection (3) shall not be considered by the Commission if it is made after the expiration of the period stipulated in the notice under subsection (1).

Treatment
of objection
to applica-
tion for
registration.

52H.—(1) Where the Commission receives an objection under section 52G, then, unless pursuant to that section consideration of the objection is not permitted, the Commission shall—

- (a) notify the authorized representative of the applicant party of the objection, including the notification information referred to in paragraphs (b) to (c) of section 52G(3), and request a written response thereto; and
- (b) grant the applicant party fourteen days from the date of receipt of the notification under paragraph (a) notice within which to respond.

(2) The Commission may, after treating with the objection pursuant to subsection (1), cause an inquiry to be made to ascertain whether to—

- (a) uphold the objection; or
- (b) accept the response of the applicant party and reject the objection.

(3) Where the applicant party fails to respond to the objection, within the time specified under subsection (1)(b) or such longer period as the Commission may in the circumstances allow, the Commission may refuse to register the political party.

Grounds for
refusal of
registration.

52I.—(1) The Commission may refuse to register an applicant party under this Part on any of the following grounds—

- (a) the application was not made in accordance with the provisions of this Act or any regulations made under this Act;
- (b) the particulars submitted with the application are—
 - (i) inaccurate in a material way and there is a failure to carry out the required corrections within the time specified under section 52J(1)(b) or such longer period as the Commission may, in writing, determine in any case;
 - (ii) defective and the defects are not corrected within the time specified in section 52J(1)(b);
- (c) the applicant party has failed to respond in writing to objections made pursuant to section 52G; or
- (d) the applicant party has a name which, in the opinion of the Commission—
 - (i) may incite hatred or violence; or
 - (ii) is so similar to the name of a registered political party as to be likely to mislead or confuse members of the public or is otherwise likely to result in confusion.

(2) Where the Commission is considering two or more applications for registration under this Part, and the slogan, colour or name of one of the applicant parties—

- (a) is the same as the identifying slogan, colour or name of any one or more of the other applicant parties; or
- (b) so closely resembles the slogan, colour or name of any one or more of the other applicant parties, as the case may be, as to be likely to mislead or confuse members of the public or is otherwise likely to result in confusion,

then, the Commission may, after taking into account the totality of the circumstances, including the history of each applicant party and the time at which each applicant party submitted its application determine which applicant party, if any, shall have the right to use the slogan, colour or name, and if it is unable to so determine, the Commission shall, in writing, notify the authorized representative of each applicant party of its refusal to register each applicant party as a political party in the circumstances.

Defective
application.

52J.—(1) Where an application for registration under section 52D is defective, the Commission shall, no later than fourteen days after receipt of the application—

- (a) notify the authorized representative of the applicant party in writing of the defect; and
- (b) grant the applicant party fourteen days from the date of receipt of the notice

under paragraph (a), or such longer period as the Commission may in writing determine, to correct the defect.

(2) For the purpose of subsection (1), an application is defective if—

- (a) it is incomplete; or
- (b) particulars submitted pursuant to section 52D are inaccurate.

(3) Where there is a defect in an application for registration as a political party and the defect is not cured, within the fourteen days specified in subsection (1)(b) or such longer period referred to therein, the application shall be deemed to have been withdrawn.

Investiga-
tion by
Com-
mission.

52K.—(1) The Commission may cause an investigation to be carried out to ascertain the truthfulness or accuracy of the particulars submitted with an application pursuant to section 52D.

(2) Where, pursuant to an investigation under subsection (1), the Commission makes a preliminary finding that particulars submitted with the application are materially false, the Commission shall—

- (a) notify the authorized representative of the applicant party in writing of the preliminary finding; and
- (b) grant the applicant party fourteen days, or such longer period within which to respond to the Commission, as the Commission may in the circumstances allow.

(3) The Commission shall refuse to register the applicant party, where—

- (a) after considering the response of the applicant party, the Commission is satisfied that particulars submitted with the application for registration are materially false; or
- (b) the applicant party fails to respond to the preliminary finding within the time granted under subsection (2)(b), or such longer period referred to therein.

Re-application
permitted
after
withdrawal.

52L. Where under section 52J an application is deemed to be withdrawn that shall not restrict the applicant party from substituting a new application for registration.

Registra-
tion of
political
parties.

52M.—(1) The Commission shall register a political party if it is satisfied that—

- (a) the applicant party has met the requirements of this Act or any regulations made under this Act;
- (b) the name and any slogan or logo used or proposed to be used by the applicant party—
 - (i) does not so resemble the name, slogan or logo of a registered political party that it would, in the opinion of the Commission, be likely to be confused with it; or
 - (ii) the applicant party has provided the information required under this Act and that the information is accurate.

(2) Upon registration of an applicant party as a political party, the Commission shall—

- (a) notify the authorized representative of the applicant party of its registration as a political party under this Act; and
- (b) issue to the registered political party, a certificate of registration in the prescribed form.

(3) Where the Commission registers a political party under this Act, it shall publish the fact of the registration of the political party in the *Gazette*.

(4) A notice of registration of a political party shall specify—

- (a) the name;
- (b) any identifying symbol, slogan or logo; and
- (c) any colour,

proposed to be used by the political party.

Effective
date of
registra-
tion.

52N. The effective date of registration of an applicant party as a political party under this Act shall be the date on which the Commission issues the certificate of registration under this Part in respect of the political party.

Deregistration of Political Party

Voluntary
deregistra-
tion of
registered
political
party.

52O. Upon an application for deregistration being jointly made in the prescribed manner by the President or Leader and the authorized representative of a registered political party, the Commission may deregister the registered political party in accordance with the provisions of this Act.

Commission
may deregister
registered
political
party.

52P. Subject to the provisions of this Act, the
Commission may deregister a registered political
party—

- (a) where the party fails to—
 - (i) comply with any provision or requirement of this Act or any regulations made under this Act;
 - (ii) file with the Commission any information reasonably required by the Commission to clarify or verify the information contained in a statement or return or any other information filed by the political party under this Act;
 - (iii) submit the annual financial reports in accordance with section 52AE(1);
 - (iv) submit the financial records to the auditor pursuant to directions from the Commission under section 52AF(3);
- (b) where the Commission discovers any fact, which had it been known prior to the issuance of the certificate of registration, the Commission would have refused to register the political party;
- (c) where the political party has not nominated a candidate for three consecutive elections (other than by-

elections) since the time of its first registration under this Act as a political party; or

- (d) where the political party has made any changes or alterations to its identifying slogan, colour or name, otherwise than in accordance with this Act.

Notice of
proposal to
deregister.

52Q.—(1) Where the Commission proposes to deregister a registered political party under section 52P, the Commission shall send written notice in accordance with subsection (2) of the proposed deregistration by registered mail to the President or Leader and the authorized representative of the political party, and any one of the persons so named may, within thirty days of receiving the notice from the Commission, file a written objection to the proposed deregistration.

(2) The notice under subsection (1) shall specify the reason for the proposed deregistration and the time period—

- (a) for objection to the deregistration to be lodged as specified under subsection (1);
- (b) for rectification under section 52R to be made where possible.

Avoiding
deregistration.

52R. A registered political party may, within sixty days of receiving the notice of its proposed deregistration, where possible, rectify the breach specified in the notice; and where the Commission is satisfied that the breach has been rectified, the Commission shall not deregister the political party.

Meeting
concerning
proposed
deregis-
tration.

52S. Where a registered political party files a written objection to its proposed deregistration, the Commission shall provide an opportunity for

the President or Leader and the authorized representative of the political party to meet with the Commission for the purpose of challenging the grounds for the proposed deregistration.

Decision concerning deregistration after meeting with political party representatives.

52T. Where a meeting is held under section 52S and the Commission is satisfied that the circumstances of the registered political party fall within one or more of the grounds for deregistration specified in section 52P, the Commission may deregister the political party.

No deregistration during campaign period.

52U. The Commission shall not deregister a registered political party during the period starting from the date of announcement of an election to the date of the election.

Effective date of deregistration.

52V. The effective date of deregistration of a registered political party is the date on which a notice of deregistration pursuant to section 52W appears in the *Gazette*.

Notice of deregistration.

52W. The Commission shall cause a notice of the deregistration of a registered political party to be published in the *Gazette*.

Office of the Registrar of Political Parties

Office of the Registrar of Political Parties.

52X.—(1) There shall be a division of the Commission to be known as the Office of the Registrar of Political Parties.

(2) The Director of Elections shall designate an officer of the Electoral Office of Jamaica to be the Registrar of Political Parties.

(3) The Office of the Registrar of Political Parties shall be under the day-to-day management of the Registrar.

(4) The Registrar shall—

- (a) receive and process applications for the registration of political parties and

forward them to the Commission for consideration;

- (b) verify the particulars of political parties submitted either with an application for registration or periodically and in that regard may request the official records of registered political parties;
- (c) keep and maintain an up-to-date register; and
- (d) perform such other functions as the Commission may determine.

Register of
Political
Parties.

52Y.—(1) For the purposes of this Part, there shall be established a Register of Political Parties.

(2) The Register may be kept electronically and shall contain the following particulars in relation to every registered political party—

- (a) the name of the political party and the party's address for correspondence;
- (b) the date of its application for registration under this Act;
- (c) the registration number and the date appearing on the certificate of registration issued under section 52M(2)(b) to the political party;
- (d) the name and address of—
 - (i) the President or Leader;
 - (ii) the person holding each of the offices recognized by the rules of the political party; and
 - (iii) the authorized representative; and
- (e) such other information as may be prescribed.

(3) The Register shall be open to inspection by any member of the public at the offices of the Commission at all reasonable times and shall also be available for inspection on a website maintained by the Commission.

(4) A copy of an entry in the Register certified by the Registrar as a true copy of the original entry shall, for the purposes of any law, be *prima facie* evidence of the facts stated in the certificate.

Correction
of Register
of Political
Parties.

52Z.—(1) It shall be the duty of the Registrar to—

- (a) recommend to the Commission the removal of any entry from the Register;
- (b) amend the Register in accordance with the directions of the Commission;
- (c) correct in accordance with the Commission's directions, any entry in the Register which the Commission directs him to correct as being, in the opinion of the Commission, an entry which was incorrectly made or has become inaccurate; and
- (d) make, from time to time, any necessary alterations in any of the particulars mentioned in section 52Y.

(2) Where the Commission takes any action under subsection (1), the Commission shall, as soon as practicable, by notice in writing, inform the political party concerned of any action taken and the reasons for such action.

(3) A registered political party shall, as soon as is practicable, inform the Commission by notice in writing of any—

- (a) error in the Register of which it is aware as it relates to its registration; and

- (b) change in the information entered in the Register that relate to the political party.

Changes or Alterations

Changes or alterations to identifying symbols, etc.

52AA.—(1) A registered political party shall not make any changes or alteration to its name or any material changes to any identifying symbol, slogan, or colour except in accordance with this section.

(2) Before making any changes or alterations referred to in subsection (1), a registered political party shall apply in the prescribed form and manner to the Commission for approval of the change or alteration.

(3) The Commission shall, within fourteen days of the date of receipt of the application, cause a notice of the proposed change or alteration to be published in the *Gazette* and in a daily newspaper circulated in Jamaica and in such other manner as the Commission may determine, inviting objections from any person, within a period of thirty days from the date of publication of such notice concerning the change or alteration.

(4) The Commission may, in addition to inviting objections to the application under subsection (3), cause an inquiry to be made to ascertain whether the change or alteration should be approved.

(5) A change or alteration shall be approved by the Commission within sixty days after publication of the notice under subsection (3), or such longer period as the Commission may determine, if—

- (a) any objection made to the change or alteration pursuant to subsection (3) is not upheld by the Commission;

- (b) the change or alteration is not such that had it been part of the particulars for registration of the political party it would have caused the application to have been refused; or
- (c) any inquiry by the Commission pursuant to subsection (4) does not satisfy the Commission that the application should be refused.

Objection to
change or
alterations.

52AB.—(1) Where the Commission receives an objection within thirty days of the publication of a notice under section 52AA(3), the Commission shall—

- (a) notify the authorized representative of the applicant political party of the objection; and
- (b) grant the political party fourteen days within which to respond.

(2) Where—

- (a) after considering the response of the political party, the Commission upholds the objection; or
- (b) the political party fails to respond to the objection within the time specified in subsection (1)(b) and the Commission considers the objection to be persuasive,

the Commission shall refuse the application to amend the Register.

Inquiry by
Commission.

52AC.—(1) Where, pursuant to an inquiry under section 52AA(4), the Commission makes a preliminary determination that the change or alteration applied for by a registered political party

should not be made to the Register, the Commission shall—

- (a) notify the authorized representative of the registered political party in writing of the preliminary determination; and
- (b) grant the political party fourteen days within which to respond.

(2) Where—

- (a) after considering the response of the political party, the Commission determines that the Register of Political Parties should not be amended; or
- (b) the political party fails to respond to the findings within the time granted under subsection (1)(b),

the Commission shall refuse to change or alter the Register.

*Accounts, Returns and Audit of Registered
Political Parties*

Duty to keep
accounting
records.

52AD.—(1) The executive officers of every registered political party shall—

- (a) cause to be kept and maintained proper accounts with respect to the party which—
 - (i) are sufficient to disclose, with reasonable accuracy, at any time the financial position of the political party;
 - (ii) conform to established accounting principles;

- (b) nominate an officer of the party to be designated as the “accountable officer”, who shall—
 - (i) certify all returns and financial statements;
 - (ii) be responsible to the Commission for all financial affairs of the political party;
- (c) cause to be filed with the Commission an annual financial report of the party; and
- (d) cause notification to be provided to the Commission of all financial institutions in which the party maintains accounts and the nature and purpose of the accounts.

(2) The accounting records made for the purposes of this section shall be kept by the political party for at least six years from the end of the financial year in which they are made.

**Duty to submit
annual returns.**

52AE.—(1) Every registered political party shall, on or before the 1st day of April in every year, prepare and submit to the Commission for the preceding financial year of that political party—

- (a) an annual financial report prepared by a registered public accountant;
- (b) a statement showing the sources of the funds of the political party.

(2) A copy of the report and of the statement made for the purposes of subsection (1) shall be kept by the political party for at least six years from the end of the financial year in which they are made.

(3) Every person who wilfully makes, or causes to be made, any false entry in, or omission from—

- (a) any report or statement under subsection (1); or
- (b) the accounting records referred to in section 52AD(1)(a),

commits an offence and shall be liable on summary conviction in a Resident Magistrate's Court to a fine not exceeding one million dollars or to imprisonment for a term not exceeding twelve months or to both such fine and imprisonment.

Power of
Commission to
appoint
auditor to
audit
accounts.

52AF.—(1) Notwithstanding section 52AE, the Commission may cause the accounts of a political party to be audited by an independent auditor appointed by the Commission.

(2) The fees and expenses of an auditor appointed by the Commission pursuant to subsection (1) shall be paid by the Commission.

(3) Where the Commission appoints an auditor under subsection (1), the political party shall, within such time as the Commission may, in writing, direct, submit all relevant financial records to the auditor.

State Funding of Political Parties

State funding
of political
parties.

52AG.—(1) Every registered political party that—

- (a) meets the requirements of section 12(1);
- (b) has its annual financial statement independently audited by a registered public accountant within the meaning

of section 2 of the *Public Accountancy Act* and submitted to the Commission within one hundred and twenty days of the end of the financial year of the registered political party,

shall be entitled in each financial year to receive as state funding the sums of money referred to in this section.

(2) Subject to subsections (3), (4) and (6), for the purposes of this Act the amount approved by Parliament for state funding shall be divided equally among the political parties that qualify to receive state funding.

(3) Where a registered political party has decided not to receive the moneys entitled to it under this section, those moneys shall be retained in the Consolidated Fund and accordingly shall not be available for division among other registered political parties entitled to receive state funding.

(4) A registered political party shall not receive as state funding in any financial year more than forty per cent of its income for the previous financial year.

(5) For the purposes of subsection (1)(a), no account shall be taken of votes cast for any one or more persons who stood as independent candidates at an election but who subsequently form or join a political party.

(6) Notwithstanding any other provision of this Act, state funding shall not be available in any financial year to a registered political party that has been formed in the previous financial year by five or more Members of Parliament who contested as independent candidates or candidates of a registered political party at a general election.

(7) As soon as is practicable after the allocation of funds, the Commission shall pay to each political party the moneys it is entitled to receive pursuant to this Act, out of funds approved by Parliament for the purpose of state funding, and made available to the Consolidated Fund.

(8) Nothing in this Act shall preclude any political party from lawfully obtaining moneys or benefits from sources other than the state.

Allocation of
state funding.

52AH. The funds allocated to a registered political party shall be used solely and exclusively for—

- (a) the development of the political party;
- (b) the off-setting of the operating expenses of the political party that is to say—
 - (i) its headquarters;
 - (ii) the salaries of party administrators;
 - (iii) electricity, water and telephone bills;
- (c) party recruitment and civic education;
- (d) research and policy development of the political party;
- (e) education and training of members of the political party; and
- (f) other reasonable logistical and operating expenses to strengthen the political party as a democratic institution.

Obligations of
registered
political party
that qualifies
for state
funding.

52AI.—(1) Every registered political party that qualifies for state funding shall—

- (a) hold elections of officers as prescribed by its constitution;

- (b) maintain and submit annually to the Commission, on the anniversary of its registration, a current list of—
 - (i) all officers;
 - (ii) all members of the executive committee or members of the party with equivalent status;
 - (iii) Members of Parliament and Councillors;
 - (iv) candidates for election, caretakers or chairpersons for each constituency who are in place;
- (c) submit to the Commission the names of all affiliates that the party funds and a list of all persons who are officers of the party affiliates;
- (d) submit annual budgets to its members at its annual general meeting;
- (e) submit audited financial statements to its members at its annual general meeting;
- (f) keep such books, documents or records as may be prescribed.

(2) A registered political party that qualifies for state funding shall be entitled to receive state funding if the party—

- (a) complies with the provisions of this Part and any regulations made under this Part;

- (b) has not provided any information that is false in a material particular to the Commission in any of the documents the party is required to submit to the Commission;
- (c) submits to the Commission, forthwith, on the prescribed forms, any changes made with respect to the information provided in its application for state funding.

Suspension of
state funding.

52AJ.—(1) Where a political party that has received state funding—

- (a) fails to comply with its obligations under this Act; or
- (b) submits information to the Commission that contains or is based on a false or misleading representation or information which is false in a material particular,

it ceases to be entitled to receive state funding in accordance with section 52AI(2), and the Commission may suspend the payment of state funding to that political party in accordance with this section.

(2) Before suspending the payment of state funding to a political party under subsection (1), the Commission shall notify the political party in writing of the proposed suspension—

- (a) stating the reason therefor; and
- (b) requiring the political party, in the case of a breach, to remedy the breach within fourteen days or such longer time as may be specified in the notification.

(3) A political party that is served with a notice under subsection (2) shall, after remedying the breach which gave rise to the suspension, notify the Commission in writing that the breach has been remedied.

(4) The Commission shall, upon receipt of a notice referred to in subsection (3), satisfy itself that the breach has been remedied, and if so satisfied, it shall withdraw the notice of suspension.

Disqualification
from receiving
state funding.

52AK.—(1) The Commission may disqualify a political party from receiving state funding if it is satisfied that—

- (a) the political party has ceased to be entitled to receive state funding in accordance with section 52AI(2);
- (b) the Commission has exercised its power of suspension under section 52AJ; and
- (c) the political party has failed to remedy the breach which gave rise to the suspension of state funding, within the time specified in a notice under subsection (2) of that section.

(2) Before disqualifying a political party under subsection (1), the Commission shall notify the political party in writing of the proposed disqualification stating the reasons therefor.

Commission to
keep records.

52AL. The Commission shall keep such records of state funding granted under this Act as may be prescribed.”.

4. Section 104 of the principal Act is amended by inserting next after subsection (1) the following as subsection (1A)—

Amendment of
section 104 of
principal Act.

“ (1A) The Commission may make regulations, subject to affirmative resolution, for the purposes of giving effect to the

provisions of Part VB and in particular, but without prejudice to the generality of the foregoing, such regulations may contain provisions in relation to—

- (a) the conduct and operation of political parties;
- (b) prescribing the form of application for registration of a political party;
- (c) the form and manner in which records of donations shall be kept by political parties;
- (d) keeping of records of state funding by political parties; and
- (e) the manner and form of submitting annual financial reports and statements.”.

Insertion of
new Sixth and
Seventh
Schedules in
principal Act.

5. The principal Act is amended by inserting next after the Fifth Schedule the following as the Sixth and Seventh Schedules—

“ SIXTH SCHEDULE (Section 52D (2))

*Content of the Written Constitution of a Political
Party Applying for Registration*

1. The full name of the political party.
2. The aims and objectives of the political party (the principal objective of which shall be to contest elections).
3. The qualifications for membership of the political party.
4. The rights and duties of members.
5. The responsibilities of the political party toward its members.
6. The process for maintaining internal discipline and the resolution of disputes within the political party.
7. Provisions for the election of officers.
8. The admission and dismissal of members.
9. The titles of all officers and the duration of their terms of office.
10. The persons eligible to vote in elections for officers.
11. The procedures for selection or election of delegates for party conferences.

SEVENTH SCHEDULE (Section 52D)

*Information to be Furnished to the
Commission on Application to Register a Political Party*

1. A declaration made under the *Voluntary Declarations Act* containing the following information—

- (a) the name of the political party as stated in its constitution;
- (b) any slogan and logo of the political party;
- (c) the colours of the political party, if any;
- (d) the address of the head office of the political party where records are maintained and to which communications may be addressed;
- (e) a certificate by the General Secretary of the political party stating the names and contact details of persons holding each of the offices recognized in accordance with the rules of the party;
- (f) the name and contact details of the appointed auditor of the political party;
- (g) the names and addresses of the five hundred electors who have signed the declaration pursuant to paragraph 2;
- (h) such other relevant information as may be reasonably required by the Commission in order to substantiate the information referred to in the preceding sub-paragraphs.

2. A declaration in the prescribed form signed by five hundred electors stating the names and addresses of those electors.

3. A statement in writing in the prescribed form from the auditor referred to in paragraph 1, confirming the acceptance of the appointment as auditor of the political party.

4. An undertaking by the political party, jointly executed by the President or Leader, Chairman and General Secretary of the political party, to be bound by the provisions of this Act and any political code of conduct prescribed under this Act or any other enactment.”

Amendment of
Electoral
Commission
(Interim) Act.

6. Section 6(1) of the *Electoral Commission (Interim) Act* is amended by—

- (a) deleting the full stop appearing at the end of paragraph (o) and substituting therefor a semi-colon; and
- (b) inserting next after paragraph (o), the following—
 - “(p) to receive applications of political parties for registration;
 - (q) to issue certificate of registration to political parties;
 - (r) to direct the making of amendments to the Register of Political Parties;
 - (s) to receive the annual reports and statements of accounts of registered political parties;
 - (t) to cause audits of the accounts, of a registered political party to be done where it appears to be necessary;
 - (u) to make payments to registered political parties that qualify for state funding out of funds allocated by Parliament for that purpose;
 - (v) to do such other things as will ensure the proper registration, funding and supervision of the conduct of registered political parties.”.

Passed in the House of Representatives this 14th day of October 2014 with eight (8) amendments.

MICHAEL A. PEART
Speaker.

Passed in the Senate this 5th day of December 2014 with six (6) amendments.

FLOYD E. MORRIS
President.

On the 9th day of December, 2014 the House of Representatives agreed to the amendments by the Senate.

LLOYD B. SMITH
Deputy Speaker.

This printed impression has been carefully compared by me with the authenticated impression of the foregoing Act, and has been found by me to be a true and correct printed copy of the said Act.

(Sgd.) H. E. Cooke
Clerk to the Houses of Parliament.

