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# รวมกฎหมายพรรคการเมือง ต่างประเทศ

จัดทำโดย

กลุ่มงานคณะกรรมการการปกครอง สำนักกรรมการ ๒

ปฏิบัติงานด้านวิชาการและกฎหมาย

ของคณะกรรมการร่างรัฐธรรมนูญ



**United Kingdom: Registration  
of Political Parties Act (1998)**



# Registration of Political Parties Act 1998

1998 Chapter 48 - *continued*

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An Act to make provision about the registration of political parties.

[19th November 1998]

**B**E IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:-

### *The register of political parties*

The register.

1. - (1) There shall be a register to be known as the register of political parties.

(2) The register shall be maintained by the registrar or other officer who performs the duty of registration of companies in England and Wales under the Companies Act 1985.

### *Registration*

Applications for registration.

2. - (1) A party may apply for inclusion in the register by sending to the registrar-

- (a) an application which complies with the requirements of Schedule 1, and
- (b) a declaration that the party intends to have one or more candidates at a relevant election.

(2) The following elections are relevant for this purpose-

- (a) parliamentary elections,
- (b) elections to the European Parliament,
- (c) elections to the Scottish Parliament,
- (d) elections to the National Assembly for Wales,
- (e) elections to the New Northern Ireland

**\* Assembly,**

(f) local government elections, and

(g) local elections in Northern Ireland.

Grant of applications.

**3. - (1) The registrar shall grant an application by a party under section 2 unless in his opinion it proposes a registered name which-**

(a) would be likely to result in the party's being confused by voters with a party which is already registered,

(b) comprises more than six words,

(c) is obscene or offensive,

(d) includes words the publication of which would be likely to amount to the commission of an offence,

(e) includes any script other than Roman script, or

(f) includes any word or expression prohibited by order made by the Secretary of State.

(2) An order under subsection (1)(f) may except the use of a word or expression from the prohibition in specified circumstances.

Entries in the register.

**4. The registrar shall include in an entry in the register the particulars, apart from home addresses, given in the party's application in accordance with paragraphs 2 to 7 of Schedule 1.**

Emblems.

**5. - (1) A party's application under section 2 may include a request for the registration of up to three emblems to be used by the party on ballot papers.**

(2) The registrar shall grant a request under this section in relation to an emblem unless in his opinion it-

(a) would be likely to be confused by voters with an emblem which is already registered for another party,

(b) is obscene or offensive,

(c) is of such a character that its publication would be likely to amount to the commission of an offence, or

(d) includes a word or expression prohibited under section 3(1)(f).

(3) A registered emblem shall be a black and white representation of the emblem shown in the application.

*Changing, confirming and removing registrations*

Changes to the register.

6. - (1) A party may apply to the registrar to have its entry in the register altered by-

(a) the amendment of any particular other than a registered name,

(b) the addition, substitution or removal of an emblem, or

(c) the addition of information prescribed under paragraph 7 of Schedule 1 since the party applied for registration.

(2) Subject to subsections (3) and (4), the registrar shall grant an application under this section.

(3) The registrar shall refuse an application to add an emblem if-

(a) the party already has three registered emblems, or

(b) in the registrar's opinion, any of paragraphs (a) to (d) of section 5(2) apply to the emblem.

(4) The registrar shall refuse to substitute an emblem if in his opinion any of paragraphs (a) to (d) of section 5(2) apply to the new emblem.

(5) If as a result of an application under this section one person will be registered both as leader and as nominating officer, the application must request the addition of the name of the holder of some other specified office in the party.

(6) If an application under this section requests the substitution of the name of a leader, nominating officer or other officer, or an addition in accordance with subsection (5), the application must give the home address of the person whose name is to be substituted or added.

(7) An application under this section must be accompanied by any fee prescribed by order made by the Secretary of State.

Confirmation of registration. **7. - (1) A party's registration shall lapse at the end of the period of three months beginning with any anniversary of its inclusion in the register unless the registered leader notifies the registrar that the party is to remain registered.**

(2) A notice under subsection (1) must either-

(a) state that the particulars in the party's entry remain accurate and include any information prescribed under paragraph 7 of Schedule 1 since the party applied for registration, or

(b) include an application under section 6 as a result of which the party's entry will become accurate and will include any information prescribed under paragraph 7 of Schedule 1 since the party applied for registration.

(3) A notice under subsection (1) must-

(a) be in writing,

(b) be received by the registrar during the period beginning one month before the relevant anniversary and ending three months after it, and

(c) be accompanied by any fee prescribed by order made by the Secretary of State.

Removal of entries from the register.

**8. - (1) The registrar shall remove a party's entry from the register if-**

(a) it lapses under section 7, or

(b) the party applies to have its entry removed.

(2) Where a party's entry is removed from the register, the registrar shall, in considering applications made by other parties before or during the transitional period, treat the entry as still being in the register.

(3) The transitional period is the period of three months beginning with the day on which the entry is removed from the register.

Applications under section 6 or 8.

**9. - (1) Subject to subsection (3), an application by a party under section 6 or 8 must be signed by its responsible officers.**

(2) For the purposes of this section "the responsible officers" are-



(a) **the registered leader;**

(b) **the registered nominating officer;**

(c) where the leader and the nominating officer are the same person, the other registered officer.

(3) If any responsible officer is unable to sign an application-

(a) the holder of some other office in the party may sign in his place, and

(b) the application must include a statement of the reason why the responsible officer is unable to sign and a declaration that the holder of the other office is authorised to sign in his place.

*Speaker's Committee*

Speaker's committee.

**10.** Before the registrar decides any question arising under section 3, 5, 6 or 18 he may seek advice from a committee of Members of the House of Commons appointed by the Speaker for the purpose.

*Access to the register*

General access.

**11.** - (1) The Secretary of State shall make regulations requiring the registrar-

(a) to allow anyone to inspect the register, or any part of it, in such manner as the regulations may prescribe, and

(b) to provide copies of the register, or any part of it, on request.

(2) Regulations under this section may impose conditions, or enable the registrar to impose conditions, including conditions as to the payment of fees.

Request by Secretary of State.

**12.** On receipt of a request by the Secretary of State the registrar shall send a copy of the register to-

(a) the Secretary of State;

(b) any person specified in the request.

*Effects of registration*

Parliamentary elections: nomination and ballot

**13.** Schedule 2 (which amends the Parliamentary Elections Rules) shall have effect.

papers.

Party political broadcasts.

**14. - (1)** A broadcaster shall not include in its broadcasting services any party political broadcast made on behalf of a political party which is not registered under this Act.

(2) In this section "broadcaster" means-

(a) the holder of a licence under the Broadcasting Act 1990 or 1996 ,

(b) the British Broadcasting Corporation, and

(c) Sianel Pedwar Cymru.

Security at party conferences.

**15. -(1)** Section 170 of the Criminal Justice and Public Order Act 1994 (security at party conferences) shall be amended as follows.

(2) In subsections (1) and (3) for "qualifying political party" substitute in each place "qualifying registered political party".

(3) After subsection (4) add-

"(5) In this section "registered political party" means a party registered under the Registration of Political Parties Act 1998."

#### *Transitional provisions*

First transitional stage.

**16. - (1)** The registrar shall not make any entry in the register before the end of the period of six weeks beginning with the day on which this section comes into force.

(2) As soon as possible after the end of that period, the registrar shall determine all first stage applications for registration.

(3) Paragraph 2(2) of Schedule 1 shall not apply to a first stage application.

(4) An application is a "first stage application" if it is made-

(a) before the end of the period of four weeks beginning with the day on which this section

comes into force, and

(b) by a party to which at least one Member of the House of Commons belongs at the time when the application is made.

Second transitional stage.

17. - (1) The registrar shall not make any entry in the register, except in pursuance of a first stage application, until the end of the period of twelve weeks beginning with the day on which this section comes into force.

(2) As soon as possible after the end of that period the registrar shall determine all second stage applications for registration.

(3) An application is a "second stage application" if it is made before the end of the period of ten weeks beginning with the day on which this section comes into force (and is not a first stage application).

(4) The registrar shall not make any entry in the register except in pursuance of a first or second stage application, until he has determined all first and second stage applications.

Transitional ground for refusal to register.

18. - (1) The registrar shall refuse a first or second stage application by a party if-

(a) it proposes a registered name which in his opinion would be likely to result in the party's being confused by voters with another party, and

(b) the other party is registered or has submitted a first or second stage application which, having considered the history of the two parties, he intends to grant.

(2) The registrar shall refuse a request made in a party's first or second stage application for the registration of an emblem if in his opinion it would be likely to be confused by voters with-

(a) an emblem which is already registered for another party, or

(b) an emblem which it would be appropriate to allow another party to register.

*Miscellaneous and general*

False statements: offence.

19. - (1) It is an offence knowingly or recklessly to make a statement to the registrar which-

(a) is made, or purports to be made, on behalf of a party for any purpose of this Act, and

(b) is false in any material particular.

(2) A person guilty of an offence under subsection (1) shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.

Orders and regulations.

20. - (1) Any order or regulations under this Act shall be made by statutory instrument.

(2) Any order or regulations under this Act, except for an order under section 25, shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Money.

21. - (1) There shall be paid out of money provided by Parliament any increase attributable to this Act in the sums payable out of money so provided under any other enactment.

(2) Any fees received by the registrar by virtue of this Act shall be paid into the Consolidated Fund.

Interpretation.

22. In this Act-

"local election", in relation to Northern Ireland, has the same meaning as in the Electoral Law Act Northern Ireland) 1962,

"local government election" means an election which is a local government election within the meaning of section 191, 203 or 204 of the Representation of the People Act 1983,

"party" includes any person or organisation,

"the register" means the register of political parties, and

"the registrar" means the person required by section 1(2) to maintain the register.

Consequential amendments.

23. Schedule 3 (consequential amendments and modifications) shall have effect.

Short title.

24. This Act may be cited as the Registration of Political Parties Act 1998.

Commencement.

25. - (1) The following provisions shall come into

force on the day on which this Act is passed-

(a) sections 20, 21, 22, 24, 26 and this section,  
and

(b) any other provision so far as it contains  
power to make subordinate legislation.

(2) The following provisions shall come into force on  
such day as the Secretary of State may by order appoint-

(a) sections 13, 14 and 15,

(b) Schedule 2, and

(c) paragraph 3 of Schedule 3.

(3) The other provisions of this Act shall come into  
force at the end of the period of two weeks beginning  
with the day on which it is passed.

Extent.

26. This Act extends to Northern Ireland.

## SCHEDULES

### SCHEDULE 1

#### APPLICATIONS FOR REGISTRATION

##### *Introductory*

1. An application for inclusion in the register of  
political parties-

(a) must comply with paragraphs 2 to 8 below,  
and

(b) must be accompanied by any fee prescribed  
by order made by the Secretary of State.

##### *Names*

2. - (1) An application must specify either-

(a) a name to be the party's registered name, or

(b) a name in Welsh and a name in English to be  
the party's registered names.

(2) If a name to be registered is in a language other

than English or Welsh the application must include an English translation.

*Headquarters*

3. An application must specify-

- (a) the address of the party's headquarters, or
- (b) if the party has no headquarters, an address to which communications to the party may be sent.

*Registered officers*

4. - (1) An application must give the name and home address of a person to be registered as the party's leader.

(2) That person must be-

- (a) the overall leader of the party, or
- (b) where there is no overall leader of the party, a person who is the leader of the party for some purpose specified in the application.

5. - (1) An application must give the name and home address of a person to be registered as the party's nominating officer.

(2) A party's registered nominating officer must have responsibility for the arrangements for-

- (a) the submission by representatives of the party of lists of candidates for the purpose of elections, and
- (b) the approval of descriptions and emblems used on nomination and ballot papers at elections.

6. If one person is named in an application both as leader and as nominating officer, the application must also give the name and home address of the holder of some other specified office in the party.

*Additional information*

7. An application must include any other information prescribed by order made by the Secretary of State.

*Signature*

8. An application must be signed by the proposed registered leader or registered nominating officer and must include a declaration that he is authorised to sign the application on behalf of the party.

SCHEDULE 2

AMENDMENTS OF THE PARLIAMENTARY ELECTIONS  
RULES

1. The Parliamentary Elections Rules set out in Schedule 1 to the Representation of the People Act 1983 shall be amended as follows.

2. After rule 6 (nomination of candidates) insert-

*"Nomination papers: name of registered political party*

6A. - (1) A nomination paper may not include a description of a candidate which is likely to lead voters to associate the candidate with a registered political party unless the description is authorised by a certificate-

(a) issued by or on behalf of the registered nominating officer of the party, and

(b) received by the returning officer at some time during the period for delivery of nomination papers set out in the Table in rule 1.

(2) A person shall be guilty of a corrupt practice if he fraudulently purports to be authorised to issue a certificate under paragraph (1) on behalf of a registered political party's nominating officer.

(3) In the application of this rule in relation to an election "registered political party" means a party which was registered under the Registration of Political Parties Act 1998 at the time by which the notice of election is required to be published by virtue of rule 1."

3. - (1) Rule 12 (decisions as to validity of nomination papers) is amended as follows.

(2) At the beginning of paragraph (3) insert "Subject to paragraph (3A),".

(3) After paragraph (3) insert-

"(3A) If in the returning officer's opinion a nomination paper breaks rule 6A(1), he shall give a decision to that effect as soon as practicable after the close of the period for delivery of nomination papers set out in the Table in rule 1."

(4) In paragraph (4) for "Where he" substitute "Where the returning officer".

4. In rule 19 (the ballot papers), after paragraph (2) insert-

"(2A) If a candidate who is the subject of a party's authorisation under rule 6A(1) so requests, the ballot paper shall contain, against the candidate's particulars, the party's registered emblem (or, as the case may be, one of the party's registered emblems).

(2B) The request must-

(a) be made in writing to the returning officer, and

(b) be received by him during the period for delivery of nomination papers set out in the Table in rule 1."

5. In the Appendix of Forms, for the form of the front of the ballot paper there shall be substituted the form set out in the Appendix to this Schedule.

6. In the Directions as to printing the ballot paper in the Appendix of Forms-

(a) in paragraph 2(a) for "and the particulars of the candidates" substitute ", the particulars of the candidates and words forming part of emblems", and

(b) after paragraph 3 add-

"3A. Where an emblem is to be printed against



a candidate's particulars-

(a) it shall be printed between the candidate's particulars and the vertical rule separating the candidates' particulars from the spaces where the vote is to be marked, and

(b) its size as printed shall not exceed two centimetres square."

### SCHEDULE 3

#### CONSEQUENTIAL AMENDMENTS AND MODIFICATIONS

##### *European Parliamentary Elections Act 1978 (c. 10)*

1. In section 3(8)(a) of the European Parliamentary Elections Act 1978 (electoral system in Great Britain: meaning of "registered party") for "a party registered under any enactment providing for the registration of political parties" substitute "a party registered under the Registration of Political Parties Act 1998".

##### *Companies Act 1985 (c. 6)*

2. Section 704(2) of the Companies Act 1985 (staff) shall have effect as if the purpose referred to included the purpose of carrying out functions under this Act.

##### *Broadcasting Act 1990 (c. 42)*

3. In sections 36(3) and 107(2) of the Broadcasting Act 1990 (party political broadcasts) after "subsection (1)" insert "but subject to section 14 of the Registration of Political Parties Act 1998 (prohibition of broadcasts by unregistered parties)".

##### *Deregulation and Contracting Out Act 1994 (c. 40)*

4. Section 74(4)(a) of the Deregulation and Contracting Out Act 1994 (office-holders) applies in relation to functions conferred by this Act as it applies in relation to functions conferred by the Companies Acts.

##### *Government of Wales Act 1998 (c. 38)*

**5. In section 4(8) of the Government of Wales Act 1998 (National Assembly for Wales: voting at ordinary elections) for "a party registered under any enactment providing for the registration of political parties" substitute "a party registered under the Registration of Political Parties Act 1998".**

# Germany: Political Parties Act 2004



Translation (as of 15 March 2009), Translated by the Translation Service of the Federal Ministry of the Interior

**Act on Political Parties  
(Political Parties Act)  
(Parteiengesetz – PartG)**

[of 24 July 1967]

In the version published on 31 January 1994 (Federal Law Gazette I 1994, p. 149), last amended by the Ninth Act amending the Political Parties Act, of 22 December 2004 (Federal Law Gazette I 2004, p. 3673).

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## Part I General Provisions

### Section 1      Constitutional status and functions of political parties

(1) Political parties are integral to the free democratic basic order and required under the Constitution. Through their free and continuous participation in the formation of the people's political will, they perform a public function that is required of them and guaranteed by the Basic Law.

(2) Political parties shall participate in forming the people's political will in all fields of public life, in particular by exerting an influence on the shaping of public opinion; encouraging and enhancing civic education; promoting citizens' active participation in political life; educating citizens capable of assuming public responsibilities; participating in elections at the federal, *Land* and local levels by nominating candidates; influencing political developments in parliaments and governments; contributing the political aims they have developed to the public decision-making and policy formation process; and ensuring a continuing active interrelationship between the people and the state institutions.

(3) Political parties shall specify their aims in political programmes.

(4) Political parties shall use their funds exclusively for performing the functions incumbent on them under the Basic Law and the present Act.

### Section 2      Definition of 'political party'

(1) Political parties are associations of citizens which, on a continuing basis or for a longer period of time, wish to influence the development of informed political opinion at the federal level or in any of the *Länder* and to participate in representing the people in the German *Bundestag* or a *Land* parliament (*Landtag*), provided that they offer a sufficient guarantee of their sincerity in pursuing that aim, as evidenced by their actual overall situation and standing, especially as regards the size and strength of their organization, their membership numbers, and their visibility in public. Only natural persons may be members of a political party.

(2) Such an association shall lose its legal status as a political party if it has not participated, with its own nominations of candidates, in either an election to the German *Bundestag* or a *Landtag* election for six years.

(3) Political associations shall not be deemed political parties if

1. the majority of their members or of the members of their executive committee are foreigners, or
2. their registered seat or their executive office is located outside the territorial scope of application of the present Act.

### Section 3      Capacity to sue (so-called active legitimation), and liability to be sued (so-called passive legitimation)

A political party may, on its own behalf, take legal action and be sued. The same shall apply to its regional/local branches of the respective highest level, unless otherwise provided by the party statutes.

### Section 4      Name

(1) The name of a political party must be clearly distinct from the name of any other party already in existence; the same shall apply to short forms of the party's name. In canvassing and the election process, only the registered name or its shortened form may be used; additional descriptive designations may be omitted.



(2) Regional/local branches shall bear the name of their political party, with an indication of their organizational status. Such additional designation for subdivisions may be used only if placed after the party's name. In general advertising and in canvassing, that additional designation may be omitted.

(3) Regional/local branches which withdraw from a party shall lose the right to use that party's name. A new name chosen by such a subdivision may not consist merely of an addendum to the party's previous name. The same shall apply to shortened forms.

## **Section 5      Equal treatment**

(1) Where a public authority makes facilities available to political parties or provides them with other public contributions and services, equal treatment shall be accorded to all political parties. The extent to which such facilities or services will be provided may be scaled back, in accordance with the respective importance of the various parties, to the minimum extent required for achieving the given party's purpose. The importance of a political party will, in particular, be assessed on the basis of the results obtained in previous parliamentary elections. For a political party represented in the German *Bundestag* by a parliamentary group, the extent of such facilities, contributions or services must amount to at least half of those granted to any other political party.

(2) As regards provision of public contributions and services in connection with an election, paragraph 1 shall, for the duration of the election campaign, apply only to political parties which have submitted nominations of candidates.

(3) Public contributions and services under paragraph 1 may be made subject to certain conditions to be met by all political parties.

(4) Part IV shall remain unaffected.

## **Part II Internal Organization**

### **Section 6      Statutes and party programme**

(1) A political party must have written statutes and a written programme. Regional/local branches shall regulate their affairs by statutes of their own, unless provided otherwise by the statutes of the respective next-higher branch.

(2) The statutes must contain provisions on:

1. the political party's name and any short form used, its registered seat and field of activities;
2. joining and leaving the party;
3. the rights and duties of members;
4. permissible sanctions against members, and their exclusion from the party (Section 10 paras. 3 to 5);
5. permissible sanctions against regional/local branches;
6. the party's general structure;
7. the composition and powers of the Executive Committee and of other bodies;
8. matters exclusively subject to decision-making by the assemblies of members or delegates as provided under Section 9 below;
9. the reasons, the form and time limit for convening members' and delegates' assemblies, and official recording of the resolutions passed;



10. those regional/local branches and bodies that are authorized to submit (sign) nominations of candidates for parliamentary elections, where this has not been regulated by legal provisions;
11. a basic policy vote by all members and the procedure to be applied when a party convention has, pursuant to Section 9 para. 3, passed a resolution to dissolve the political party or any of its regional/local branches or to merge with another party or other parties. That resolution shall be deemed confirmed, amended or rescinded according to the result of the policy vote;
12. the form and substance of a financial regulation complying with the provisions of Part V of the present Act.

(3) The Executive Committee shall notify the Federal Returning Officer of

1. the statutes and the party programme;
2. the names and functions of the members of the Executive Committees of the party and its *Land* branches;
3. the dissolution of the party or any of its *Land* branches.

Amendments to the 1<sup>st</sup> sentence, nos. 1 and 2, above shall be notified by 31 December of the given calendar year. These records shall be available for public inspection at the office of the Federal Returning Officer. Copies of such records shall be provided free of charge upon request.

(4) The provisions set out in the present Act for parties organized nationwide shall also apply to political parties that are established only in a particular *Land* ("*Land* parties").

#### Section 7 Organizational structure [*federal, Land, and local levels*]

(1) Political parties shall be organized in regional and/or local branches. The size and level of regional/local branches shall be laid down in the party's statutes. Such territorial subdivisions must be extensive enough to allow individual members to participate, on an adequate scale, in the party's policy and decision-making processes. A political party whose organization is confined to the territory of a city-state is not required to establish regional branches; it shall constitute a party within the meaning of the present Act. Several regional/local branches may form an association in organizational terms, provided that this does not substantially impair the branch structure of the party's organization.

(2) Where a political party does not have any *Land* branches, the provisions set out in the present Act for *Land* branches shall apply to the regional/local branches of the next level below that of the party itself.

#### Section 8 Bodies

(1) The assembly of members and the Executive Committee are indispensable bodies of a political party and its regional/local branches. The statutes may stipulate that in supra-local branches, the members' assembly may be replaced by a delegates' assembly whose members shall be elected, for a maximum of two years, by the members' or delegates' assemblies of the subordinate branches. *Land* parties without any regional/local branches (cf. Section 7 para. 1, 4<sup>th</sup> sentence) may replace the members' assembly by a delegates' assembly provided that they have more than 250 members. Delegates' assemblies may also be established for local branches that have more than 250 members or cover a large geographical area.

(2) The statutes may provide for additional institutions (bodies) that will support the policy formation and decision-making processes of the respective regional/local branch. Such institutions shall be explicitly designated as such in the statutes.



## **Section 9      Members' and delegates' assemblies (party convention, general assembly)**

- (1) The assembly of members or delegates (party convention, general assembly) is the supreme body of the respective regional/local branch. It is called a "party convention" in the case of higher-level branches, and a "general assembly" at the lowest level; the provisions below on party conventions shall also apply to general assemblies. Party conventions shall be held at least once every two calendar years.**
- (2) Members of the Executive Committee, members of other bodies of the regional/local branch and any persons as defined in Section 11 para. 2 may, pursuant to the statutes, be members of a delegates' assembly, but in this case the number of those who are entitled to vote must not exceed one-fifth of the total number of assembly members as provided under the statutes.**
- (3) In accordance with the competences assigned within the party to a regional/local branch, the party convention shall decide on party programmes, the statutes, rules on membership dues, rules on arbitration procedures, the party's dissolution and its merger with other parties.**
- (4) The party convention shall elect the chairperson of the regional/local branch, his/her deputies and the other members of the Executive Committee, the members of any other bodies, and the delegates elected to the bodies of higher-level regional branches, unless the present Act permits another procedure.**
- (5) The party convention shall, at least every two years, receive a progress report from the Executive Committee and shall pass a resolution on it. Before the report is submitted, its financial part shall be reviewed by auditors elected by the party convention.**

## **Section 10      Members' rights**

- (1) Pursuant to the pertinent detailed provisions of the statutes, the competent bodies of the party shall freely decide on the admission of members. No reasons need to be given for rejecting an application for membership. No general refusal to admit new members, even if of limited duration, shall be permissible. Persons who, by judicial decision, have been deprived of their right to stand for election or their right to vote, may not be members of a political party.**
- (2) Party members and delegates represented on the party's bodies shall have equal voting rights. Pursuant to the pertinent detailed provisions of the statutes, the exercise of voting rights can be made conditional on members having paid their membership dues. A member shall be entitled at any time to end his/her party membership with immediate effect.**
- (3) The statutes shall contain provisions on:**
- 1. the permissible sanctions against members;**
  - 2. the reasons justifying such sanctions;**
  - 3. the party bodies which may authorize such sanctions.**
- If a member is removed from party offices or is disqualified from holding such offices, the reasons for such a decision shall be stated.**
- (4) A member may be expelled from the party only if he/she deliberately violates the party statutes or commits a major violation of the party's principles or agreed rules, thereby inflicting serious damage on the party.**
- (5) Decisions on expulsion from the party shall be made by the arbitration tribunal defined as competent in the rules on arbitration procedures. The right of appeal to a higher arbitration tribunal shall be guaranteed. The reasons for the tribunals' decisions shall be stated in writing. In urgent and serious cases calling for immediate action, the Executive Committee of the party or any of its regional/local branches may bar a member from exercising his/her rights until the arbitration tribunal has reached a decision.**





## **Section 11 Executive Committee**

**(1) The Executive Committee shall be elected every two calendar years at least. It shall comprise at least three members.**

**(2) The Executive Committee may, pursuant to the statutes, include members of parliament and other high-ranking persons in the party if they hold an office or a mandate as a result of an election. The proportion of members not elected under the provisions of Section 9 para. 4 must not exceed one-fifth of the total number of Executive Committee members. The chairperson and the treasurer of a political party may not perform comparable functions in any political foundation close to that party.**

**(3) The Executive Committee shall manage the respective party branch and conduct its affairs in accordance with the law and the statutes and with the resolutions passed by the party's higher-level bodies. It shall represent that party branch in accordance with Section 26 para. 2 of the Civil Code, unless the statutes provide otherwise.**

**(4) A managing executive committee ("Presidium") may be formed from among the members of the Executive Committee to implement the resolutions of the latter and to carry out regular as well as particularly urgent Executive Committee business. Its members may also be elected by the Executive Committee or be appointed as stipulated in the statutes.**

## **Section 12 General party committees**

**(1) The members of general party committees and similar institutions entrusted, under the statutes, with extensive powers for deliberating or deciding on questions of party policy and organization may also be elected by lower-level regional/local branches.**

**(2) The Executive Committee and members of the group of persons defined in Section 11 para. 2 may, by virtue of the statutes, also belong to such a body. The proportion of non-elected members must not exceed one third of the body's total number of members; it may be augmented by non-voting members participating in an advisory capacity, but even in this case the proportion of non-elected members must still be less than half of the total number of members.**

**(3) Elected members of the bodies specified in paragraph 1 above shall hold office for a maximum of two years.**

## **Section 13 Composition of delegates' assemblies**

The composition of a delegates' assembly or of any other body entirely or partly comprising delegates from regional/local branches shall be laid down in the statutes. The number of delegates from a regional/local branch shall primarily be calculated on the basis of the number of members represented. The statutes may stipulate that the remaining number of delegates – no more than half of the total number – be distributed among regional/local branches in proportion to the number of votes obtained in the area covered by the given regional/local branch in previous parliamentary elections. Exercise of this right to vote may be made conditional on actual payment of the membership dues by that regional/local branch.

## **Section 14 Party arbitration tribunals**

**(1) Arbitration tribunals shall be set up at least at the level of the party itself and of the top-level regional branches to settle, and decide on, disputes between the party or a regional/local branch, on the one hand, and individual members, on the other, as well as disputes over the interpretation and implementation of the statutes. Joint arbitration tribunals may be set up for several Kreis level branches.**



(2) The members of the arbitration tribunals shall be elected for a maximum of four years. They must not be members of the Executive Committee of either the party or any of its regional/local branches; nor be employed by the party or any of its branches; nor receive regular income from them. They shall be independent and not be bound by instructions.

(3) The statutes may allow the parties to the dispute, either in general or on a case-by-case basis, to nominate equal numbers of assessors to the arbitration tribunals.

(4) The functions of such arbitration tribunals shall be governed by rules on arbitration procedures designed to guarantee litigants a legal hearing, fair proceedings and the possibility to reject any member of the arbitration tribunal for partiality.

#### **Section 15 Decision-making and policy formation within the party's bodies**

(1) The party's bodies shall adopt their resolutions by a simple majority vote unless a higher majority is prescribed by law or by the party statutes.

(2) Elections of the members of the Executive Committee and of the delegates to delegates' assemblies and to bodies of higher-level regional branches shall be secret. For all other elections, voting may be open provided that voters raise no objections when asked.

(3) The right to propose motions shall be designed in such a way as to ensure democratic policy formation and decision-making processes, and, in particular, adequate discussion also of the proposals submitted by minorities. At the assemblies of higher-level regional branches, at least the delegates from the branches of the two next lower levels shall be granted the right to propose motions. For elections and polls, any commitment to resolutions passed by other bodies shall not be permitted.

#### **Section 16 Sanctions against regional/local branches**

(1) Dissolution and exclusion of lower-level regional/local branches or the dismissal from office of entire bodies of these branches shall be permissible only in cases of serious infringement of the party's principles or agreed rules. The party statutes shall specify

1. the reasons for which such sanctions shall be permissible;
2. the higher-level regional branch and the body of that branch which are entitled to impose such sanctions.

(2) The Executive Committee of the party or of a higher-level regional branch shall obtain endorsement of a sanction under paragraph 1 from a higher-ranking body. The sanction shall be repealed if such endorsement is not given at the next party convention.

(3) Appeal to an arbitration tribunal against sanctions imposed under paragraph 1 above shall be permitted.

### **Part III Nomination of Candidates**

#### **Section 17 Nomination of candidates for election**

Nomination of candidates for elections to parliaments must be by secret ballot. The nomination procedure shall be regulated by the electoral laws and by the statutes of the political parties.



## Part IV Public Funding

### Section 18 Principles and extent of public funding

(1) Political parties shall receive funds as partial financing of the activities generally assigned to them under the Basic Law. The criteria for the allocation of public funds shall be the proportion of votes won by a political party in European, *Bundestag* and *Landtag* [State parliament] elections; the total amount of its membership dues and contributions from holders of elected public office, and the amount of donations received.

(2) The maximum total amount of public funds which annually may be allocated among the political parties shall be 133 million euros (absolute upper limit).

(3) Political parties shall, within the framework of partial public funding, receive an annual amount of

1. 0.70 euro for each valid vote cast for the respective party list; or
2. 0.70 euro for each vote cast for the respective party in a constituency or polling district if a list for that party was not admitted at the *Land* level; and
3. 0.38 euro for each euro received from other sources (membership dues, contributions from elected office-holders, or lawfully obtained donations); only donated amounts of up to 3,300 euros per natural person will be taken into account.

In derogation of numbers 1 and 2 above, a party shall receive 0.85 euro per vote for up to four million valid votes received.

(4) Political parties which, according to the final result of the most recent elections to the European Parliament or to the *Bundestag*, received at least 0.5 per cent or, in an election to a *Landtag*, received 1 per cent of the valid votes cast for party lists shall be entitled to public funds pursuant to para. 3, nos. 1 and 3; in order to qualify for payments under para. 3, 1<sup>st</sup> sentence, no. 1, and 2<sup>nd</sup> sentence, a party must meet these requirements in the election concerned. Parties which, according to the final election result, obtained 10 per cent of the valid votes cast in a constituency or polling district shall be entitled to public funds pursuant to para. 3, no. 2. The 1<sup>st</sup> and 2<sup>nd</sup> sentences shall not apply to political parties of national minorities.

(5) The amount of partial public funding must not exceed the sum of a party's annual income as specified in Section 24 para. 4, nos. 1 - 7 (relative upper limit). The total amount of funds granted to all parties must not exceed the absolute upper limit.

(6) After the statements of accounts submitted by the political parties represented in the German *Bundestag* have been published by the President of the German *Bundestag* as provided under Section 23 para. 2, 3<sup>rd</sup> sentence, the *Bundestag* shall decide whether to adjust the amount of the absolute upper limit (Section 18 para. 2). To this effect, the President of the Federal Statistical Office (*Statistisches Bundesamt*) shall, by 30 April of every year, submit a report to the German *Bundestag* on the development of the price index for a party's typical expenditures as compared to the preceding year. This price index shall be based, with a weighting factor of 70 per cent, on the general consumer price index and, with 30 per cent, on the standard monthly salaries of employees of central, regional and local governments.

(7) The Federal President may appoint a committee of independent experts on matters of political party funding.

(8) If a political party is dissolved or banned, it shall, from the date of its dissolution, no longer be eligible for partial public funding.



## **Section 19      Applying for partial public funding**

(1) Political parties shall, by 30 September of the 'year of entitlement' within the meaning of the present Act, submit an application in writing to the President of the German *Bundestag* for the assessment of the amount and disbursement of public funds for the year of entitlement. This application must be filed by a member of the party's Executive Committee who, under the party statutes, is responsible for the party's financial matters, and must contain the serviceable address and bank account details. A single application submitted by the party's national-level ["federal"] branch shall be sufficient. Partial applications shall be permissible. If a political party received public funds already for the year preceding the year of entitlement, the President of the German *Bundestag* will determine the amount without any further application by the party. A party shall immediately notify the President of the German *Bundestag* of any changes affecting the assessment procedure. If a party fails to give such notification, it shall be held liable.

(2) An application for part payments shall be submitted in writing to the President of the German *Bundestag* by the 15<sup>th</sup> of the month preceding the next part payment. An application may be filed for several instalments for the given year at the same time. Paragraph 1, 5<sup>th</sup> to 7<sup>th</sup> sentences, shall apply *mutatis mutandis*.

## **Section 19a      Procedure for determining the rate of funding**

(1) The President of the German *Bundestag* shall, by 15 February of every year, determine the rate of public funds to be allocated to each eligible political party for the preceding year ('year of entitlement'). The President may allot and disburse public funds to a party pursuant to Sections 18 and 19a only on the basis of a statement of accounts that complies with the provisions of Part V below. If the President of the German *Bundestag*, with regard to a statement of accounts submitted within the set time limit, initiates the procedure under Section 23a para. 2 before determining the rate of funding, he/she shall only provisionally determine the amount of public funds for the party concerned on the basis of its statement of accounts and shall disburse these funds against a security deposit equivalent to the amount of possible financial liabilities of that party (Sections 31a to 31c). Once the aforementioned procedure has been concluded, the *Bundestag* President shall definitively determine the amount of funding.

(2) The basis for calculating the rate of public funding shall be the number of valid votes won by the eligible political parties in the most recent elections to European Parliament and/or to the *Bundestag* and in the most recent *Landtag* elections during the period ending on 31 December of the year of entitlement, and the contributions (Section 18 para. 3, 1<sup>st</sup> sentence, no. 3) received during the preceding year (accounting year) as published in the statements of accounts. The President of the German *Bundestag* shall compile the valid votes won by each party that meet the criteria under Section 18 para. 4 in a 'votes account' and shall regularly update this account.

(3) A political party shall submit its statement of accounts to the President of the German *Bundestag* by 30 September of the year following the accounting year. The President of the German *Bundestag* may extend this time limit by up to three months. If a party does not submit its statement of accounts within the set time limit, it shall definitively forfeit its claim to public funding based on contributions (forfeiture of the contribution-based share). If a party has not submitted its statement of accounts by 31 December of the year following the year of entitlement, it shall forfeit its claim to public funding for the year of entitlement (forfeiture of the electoral vote share). The time limits shall be deemed met irrespective of the accuracy of the statement of accounts, if the statement complies with the form and structure specified in Section 24 and bears an audit certificate pursuant to Section 30 para. 2. The amounts determined for, and disbursements to, the other political parties shall remain unaffected.





(4) Calculation of the relative upper limit (Section 18 para. 5) shall be based on the income as specified under Section 24 para. 4, nos. 1 to 7 and published in the statements of accounts for the respective accounting year.

(5) Determination of the respective amounts must first comply with the absolute upper limit (Section 18 para. 2) and then the relative upper limit for each party (Section 18 para. 5). If the sum of public funds thus computed exceeds the absolute upper limit, the parties shall only be entitled to public funds to an amount corresponding to their respective proportional share.

(6) Public funds allocated for valid votes won in *Landtag* elections shall be disbursed to the party's *Land* branch at the rate of 0.50 euro per vote; any reductions made under paragraph 5 above shall be left out of consideration if they can be included in the disbursements to be made by the Federation (Section 21 para. 1, 1<sup>st</sup> sentence, 2<sup>nd</sup> alternative). The remaining public funds shall be paid to the party's national-level ["federal"] branch; if a party is only represented at the *Land* level, they shall be paid to the *Land* branch.

## **Section 20      Part payments**

(1) Parties entitled to public funding shall be paid in instalments on the amount to be determined by the President of the German *Bundestag*. Such payments shall be calculated on the basis of the amounts allocated to each party in the previous year. Instalments shall be paid on 15 February, 15 May, 15 August and 15 November; no instalment may exceed 25 per cent of the total amount of funds allotted to the party concerned for the preceding year. If there are any indications that a party might subsequently be obliged to repay any funds, payment may be made conditional on a security deposit.

(2) Part payments must be refunded by a political party immediately if they exceed the determined amount or if an entitlement did not exist in the first place. If any excess payment has been made, the President of the German *Bundestag* shall, as part of the administrative act comprising the assessment of allocations, determine the amount to be reclaimed and directly pass this amount to account.

(3) Section 19a para. 6 shall apply *mutatis mutandis*.

## **Section 21      Provision of federal funds and disbursement procedure, and audit by the *Bundesrechnungshof* (BRH - Germany's Supreme Audit Institution)**

(1) Funds as specified in Sections 18 and 20 shall, in the case of Section 19a para. 6, 1<sup>st</sup> sentence, be disbursed to the political parties by the *Länder*, and in other cases by the Federation through the President of the German *Bundestag*. The President of the German *Bundestag* shall provide the *Länder* with binding information on the amounts allotted to the parties' *Land* branches.

(2) The *Bundesrechnungshof* (BRH - Germany's Supreme Audit Institution) shall verify whether the President of the German *Bundestag* as the agency responsible for the administration of financial resources has determined and disbursed the respective amounts of public funds in accordance with the provisions of this Part, and whether the procedures specified in Section 23a have been carried out properly.

## **Section 22      Intra-party financial compensation**

The parties' national-level ["federal"] branches shall ensure adequate financial compensation for their *Land* branches.



## Part V Accountability

### Section 23      **Obligation to submit a public statement of accounts**

(1) At the end of the calendar year (accounting year), the party's Executive Committee shall, truthfully and to the best of its knowledge and belief, publicly account for the origin and use of funds and the party's assets in a statement of accounts. Before being submitted to the President of the German *Bundestag*, the statement of accounts shall be discussed by the party's Executive Committee. The Executive Committee of the party's national-level ["federal"] branch, the Executive Committees of the *Land* branches and the Executive Committees of regional branches comparable to *Land* branches shall be responsible for rendering their respective accounts. Their statements of accounts shall be signed by the chairperson and an Executive Committee member responsible for financial matters and elected by the party convention, or by an Executive Committee member elected by a body responsible, under the statutes, for the party's financial matters. These Executive Committee members shall, by their signature, affirm that the information in their statements of accounts has been given truthfully and to the best of their knowledge and belief. The statement of accounts for the entire political party shall be compiled and signed by a member of the national Executive Committee responsible for financial matters and elected by the party convention, or by a member of the national Executive Committee who has been elected by a body responsible, under the statutes, for the party's financial matters.

(2) The statement of accounts must be audited by a certified auditor or an auditing firm in accordance with the provisions of Sections 29 to 31. In the case of political parties which do not meet the requirements specified in Section 18 para. 4, first part of the 1<sup>st</sup> sentence, the statement of accounts may also be audited by a sworn accountant or an accountancy firm. The statement shall, within the time limit specified in Section 19a para. 3, first part of the 1<sup>st</sup> sentence, be submitted to the President of the German *Bundestag* who shall circulate it as a *Bundestag* printed paper. If a political party does not meet the requirements specified in Section 18 para. 4, first part of the 1<sup>st</sup> sentence, and its income or own assets in the accounting year does not exceed 5,000 euros, it may submit an unaudited statement of accounts to the President of the German *Bundestag*. The latter may publish statements of accounts submitted in unaudited form. The party's statement of accounts shall be submitted for discussion to the next national party convention following its publication.

(3) The President of the German *Bundestag* shall, pursuant to Section 23a below, check whether the statement of accounts complies with the provisions of Part V. The respective finding shall be included in the report to be submitted under paragraph 4 below.

(4) The President of the German *Bundestag* shall, every two years, report to the German *Bundestag* on the trend of the parties' financial situation and on the statements of accounts submitted by the parties. In addition, the President shall prepare a brief annual overview of the parties' income and expenditure and their assets. These reports shall be circulated as *Bundestag* printed papers.

### Section 23a      **Verification of the statement of accounts**

(1) The President of the German *Bundestag* shall check whether the submitted statement of accounts is accurate and meets the formal requirements. He/she shall determine whether the statement of accounts complies with the provisions of Part V. Repeated verification shall be permissible only within the time limit stipulated in Section 24 para. 2 below.



(2) If the President of the German *Bundestag* has concrete evidence that any information contained in a party's statement of accounts is inaccurate, he/she shall give the party concerned an opportunity to comment. The President may require the political party to have its certified auditor or auditing firm, its sworn accountant or accountancy firm confirm that its comments are correct.

(3) If the party's comments required under paragraph 2 above do not disprove the concrete evidence available to the President of the German *Bundestag* as regards inaccuracies in the statement of accounts, the President of the German *Bundestag* may, in agreement with the party concerned, commission a certified auditor or an auditing firm of his/her choice to check whether the party's statement of accounts complies with the provisions of Part V. The political party shall permit the certified auditor appointed by the President of the German *Bundestag* to access and inspect the records and supporting documents required for the audit. The costs of this procedure shall be borne by the President of the German *Bundestag*.

(4) After the conclusion of this procedure, the President of the German *Bundestag* shall issue a notice identifying any inaccuracies in the statement of accounts and, if applicable, stating the amount of the item/s concerning which inaccurate information has been provided. The notice shall specify whether the inaccuracy is due to an infringement of the provisions regarding income/expenditure accounting, the asset and liability statement or the explanatory part (Section 24 para. 7).

(5) If a statement of accounts contains inaccuracies, the political party concerned shall correct that statement and, as decided by the President of the German *Bundestag*, shall resubmit part or all of its statement of accounts. This resubmitted statement must be confirmed by an audit certificate issued by a certified auditor or an auditing firm, a sworn accountant or an accountancy firm. If the amount to be corrected does not exceed 10,000 euros in a single instance or 50,000 euros for all of the respective accounting year per party, the correction may, in derogation from the 1<sup>st</sup> and 2<sup>nd</sup> sentences of this paragraph, be included in the statement of accounts for the following year.

(6) Corrected statements of accounts shall, in their entirety or in part, be published as *Bundestag* printed papers.

(7) Any other information revealed in the course of this procedure that does not refer to the party's rendering of account itself shall not be published or passed on to other public authorities of the Federal Republic of Germany. Such information must be destroyed by the *Bundestag* President immediately upon conclusion of this verification process.

### **Section 23b      Obligation to report inaccuracies in the statement of accounts**

(1) If a political party becomes aware of any inaccuracies in a statement of accounts already submitted to the President of the German *Bundestag* on time and in the proper form, the party shall immediately notify the President of the German *Bundestag* of such inaccuracies in writing.

(2) With regard to an inaccuracy reported by a party, that party shall not be subject to the legal consequences specified in Section 31b or Section 31c, provided that, on the date of receipt of the notification, no concrete information suggesting such inaccuracies was publicly known, or had neither come to the knowledge of the President of the German *Bundestag* nor been revealed to exist in the course of an official procedure, and that the party concerned fully discloses and corrects the relevant facts and figures. Any unlawfully received financial benefits shall be remitted to the President of the German *Bundestag* within a time limit to be specified by the latter.

(3) Section 23a paras. 5 and 6 shall apply *mutatis mutandis*.



## Section 24 Statement of accounts

(1) The statement of accounts shall consist of an accountancy summary prepared on the basis of an income/expenditure tabulation complying with the provisions of the present Act, a related asset and liability statement, and an explanatory part. The statement of accounts shall, in compliance with the principles of proper bookkeeping and on the basis of the actual facts and circumstances, provide information on the origin and use of funds and on the party's assets.

(2) The commercial law regulations applying to all merchants which govern the rendering of accounts, especially the assessment and valuation of assets, shall be applied *mutatis mutandis* unless provided otherwise by the present Act. Accounting records, books, balance sheets and statements of accounts shall be held for ten years. The retention period shall commence when the respective accounting year ends.

(3) The statement of accounts of the party as a whole shall incorporate separate statements of accounts for the party's national-level ["federal"] branch and the *Land* branch(es) as well as the statements of accounts of lower-level regional/local branches of each *Land* branch. *Land* branches and their subordinate regional/local branches shall attach to their statements of accounts a complete list of all contributions and donations received, together with the names and addresses of the donors. The party's national branch shall compile these lists to determine the annual total amount of donations per donor. The *Land* branches shall keep the various statements of their subordinate regional/local branches together with their accounting records.

(4) Income accounting shall cover:

1. membership dues;
2. contributions paid by elected office-holders and similar regular contributions;
3. donations from natural persons;
4. donations from legal persons;
5. income from business activities and participating interests in companies;
6. income from other assets;
7. receipts from organized events, distribution of printed material and publications and from other income-yielding activities;
8. public funds;
9. any other receipts;
10. grants received from party branches; and
11. total income, as an aggregate of nos. 1 to 10.

(5) Expenditure accounting shall cover:

1. personnel-related expenditure;
2. operating expenditure
  - a) on day-to-day business,
  - b) on general political work,
  - c) on election campaigns,
  - d) on asset management, including any interest accruing therefrom,
  - e) other interest,
  - f) other expenses;
3. grants payable to party branches; and
4. total expenditure, as an aggregate of nos. 1 to 3.

(6) The asset and liability statement shall cover:

1. assets owned:
  - A. capital assets:
    - I. tangible assets:
      1. real estate,





- 2. branch office furnishings and equipment,
- II. financial assets:
  - 1. participating interests in companies,
  - 2. other financial investments;
- B. working assets:
  - I. receivables from party branches,
  - II. amounts receivable under state-provided partial funding,
  - III. money holdings,
  - IV. other types of assets;
- C. total of assets owned (sum of A and B);
- 2. accounts payable:
  - A. reserve funds:
    - I. reserves for pensions,
    - II. other reserves/provisions;
  - B. liabilities:
    - I. amounts owed to party branches,
    - II. repayment obligations with regard to state-provided partial funding,
    - III. amounts owed to credit institutions,
    - IV. amounts owed to other lenders,
    - V. other liabilities;
  - C. total debits (sum of A and B);
- 3. net assets (positive or negative).

(7) An explanatory part shall be appended to the asset and liability statement which must cover the following items, in particular:

1. a list of the participating interests in companies under paragraph 6 no. 1 A II 1 above, as well as the companies' direct and indirect participating interests as recorded in their annual financial statements, including the following information for each case: name and address, the share and the amount of the nominal capital and, in addition, the share in the capital, the equity capital, and the results recorded by these companies during the last business year for which an annual financial statement has been prepared. Information on participating interests listed in the companies' annual financial statements shall be included in the explanatory part as contained in the respective annual financial statement. Participating interests within the meaning of the present Act are shares as defined in Section 271 para. 1 of the Commercial Code;
2. designation of the main products of media enterprises if the respective political party has any participating interests in such enterprises;
3. at five-year intervals, a valuation of the real estate property and of the participating interests in enterprises as stipulated in the Property Valuation Act (buildings and unimproved property pursuant to Sections 145 *seqq.* of the Property Valuation Act [*Bewertungsgesetz - BewG*]).

(8) The sum of contributions made by natural persons up to the amount of 3,300 euros per person and the sum of those contributions by natural persons which exceed the amount of 3,300 euros shall be shown separately in the statement of accounts.

(9) The statement of accounts shall be preceded by a summary as follows:

1. receipts by the political party as a whole as listed in paragraph 4 nos. 1 to 9 above, and the total income;
2. expenditure by the political party as a whole as listed in paragraph 5 nos. 1 and 2 above, and total expenditures;
3. indication of surpluses or deficits;



4. assets owned by the political party as a whole as listed in paragraph 6 no. 1 A I and II and B II to IV above, and their total;
5. debits of the political party as a whole as listed in paragraph 6 no. 2 A I and II and B II to IV above, and their total;
6. net assets of the political party as a whole (positive or negative);
7. total income, total expenditure, surpluses or deficits, and the net assets of the three organizational tiers: national-level ["federal"] branch, *Land* branches and their subordinate regional/local branches.

In addition to the absolute figures for numbers 1 and 2 above, the percentage of total income under no. 1 and of total expenditure under no. 2 shall be indicated. For better comparison, the respective figures for the preceding year shall be given as well.

(10) The number of members as of 31 December of the accounting year shall be indicated.

(11) The political party may attach additional explanatory comments to its statement of accounts.

(12) Public grants allotted to the parties' political youth organizations for a specific purpose shall be disregarded when defining the absolute upper limit. Such grants shall be listed, for information only, in a party's statement of accounts but shall not be included in its income/expenditure statement.

## Section 25 Donations

(1) Political parties are entitled to accept donations. Donations of up to 1,000 euros may be made in cash. Party members who receive donations on behalf of their party shall immediately pass them on to an Executive Committee member who, under the party statutes, is responsible for the party's financial matters. Donations shall be considered acquired by a party when an Executive Committee member responsible for the party's financial matters or a full-time staff member of that party has obtained power of disposal over them; donations that are returned to the donor immediately after their receipt shall not be deemed as having been acquired by the party.

(2) The following shall be excluded from the right of political parties to accept donations:

1. donations from public corporations, parliamentary parties and groups and from parliamentary groups of municipal councils (local assemblies);
2. donations from political foundations, corporate entities, associations of persons and from estates which under the statutes, the foundation charter or other dispositions governing the constitution of such entities, and by the actual business conducted by such entities, are exclusively and directly intended for non-profit, charitable or church purposes (Sections 51 to 68 of the German Fiscal Code (*Abgabenordnung, AO*);
3. donations from sources outside the territorial scope of this Act unless:
  - a) these donations accrue directly to a political party from the assets of a German as defined by the Basic Law, of a citizen of the European Union, or of a business enterprise, of whose shares more than 50 per cent are owned by Germans as defined by the Basic Law or by a citizen of the European Union or whose registered office is located in a Member State of the European Union;
  - b) they are donations transferred to parties of national minorities in their traditional settlement areas from countries which are adjacent to the Federal Republic of Germany and where members of their ethnic group live; or
  - c) it is a donation not exceeding 1,000 euros made by a foreigner;
4. donations from professional organizations, which were made to the latter subject to the proviso that such funds be passed on to a political party;



5. donations from enterprises that are fully or partly in public ownership or are managed or operated by public agencies if the state's direct participation amounts to more than 25 per cent;
6. any donations exceeding 500 euros each, which are made by an unidentified donor or which evidently are passed on as a donation by unnamed third parties;
7. donations evidently made in the expectation of, or in return for, some specific financial or political advantage;
8. donations solicited by a third party against a fee to be paid by the political party and amounting to more than 25 per cent of the value of the solicited donation.

(3) If the total amount of donations made, and contributions paid by elected representatives/officials, to a political party or to one or more of its regional/local branches exceeds 10,000 euros in any one calendar year (accounting year), they shall be recorded, together with the names and addresses of the donors and the total amount, in the statement of accounts. Single donations in excess of 50,000 euros shall be reported immediately to the President of the German *Bundestag*. The latter shall in a timely manner publish the donation, together with the donor's name, as a *Bundestag* printed paper.

(4) Political parties shall hand over any donations that are not allowed under paragraph 2 above to the President of the German *Bundestag* at once or no later than the time of the submission of the statement of accounts for the respective year (Section 19a para. 3).

#### Section 26 Definition of "income"

(1) Income is any payment of money or any benefit of monetary value obtained by a political party unless special provisions apply to specific types of income (Section 24 para. 4). Likewise, income shall be understood to include exemption from payment of liabilities arising customarily; assumption of responsibility by others for organized events and activities explicitly aimed at canvassing for a political party; liquidation of reserves; and appreciation in value for capital assets.

(2) All items of income shall be entered in full in the appropriate place and shall be included in the asset and liability statement.

(3) Non-monetary assets shall be assessed at the usual prices in ordinary business transactions for identical or comparable goods or services.

(4) Voluntary work for a political party shall, as a matter of principle, be performed without payment. Performance in kind, work performance and services provided by party members on a non-commercial basis and usually free of charge shall not be counted as income. Reimbursement of costs shall remain unaffected.

(5) Contributions and public funds earmarked from the outset for quota allocation among several regional/local branches shall be accounted for in the records of the branch that will ultimately receive them.

#### Section 26a Definition of "expenditure"

(1) Expenditure is any cash payment made, or benefit of monetary value provided, by a political party as well as the use of income, obtained by the party, as defined in Section 26 para. 1, 2<sup>nd</sup> sentence, unless special provisions apply to specific types of expenditure (Section 24 para. 5). Likewise, expenditure shall be understood to include ~~scheduled and non-scheduled depreciation~~ of assets and the formation of a liability reserve.

(2) Section 26 para. 2 shall apply *mutatis mutandis*.

(3) At the time of disposal, sale or transfer, assets shall be booked as expenditures at their book value.



(4) Expenditure arising from internal transfers among party branches shall be accounted for in the records of the branch that defrays the respective expenses.

### **Section 27 Individual types of income**

(1) Membership dues shall only be those regular money payments that a member makes in accordance with the pertinent provisions of the party statutes. Contributions paid by elected representatives shall be regular money payments made by a holder of an elected public office (elected representative/official) in addition to his/her membership dues. Donations shall be payments exceeding the aforementioned dues and contributions. This shall also include special contributions levied for shared cost coverage, income from fund-raising and all kinds of contributions/services of monetary value unless they are customarily provided free of charge by party members on a non-commercial basis.

(2) Other income as defined in Section 24 para. 4 no. 9 shall be itemized and annotated if receipts for any of the items listed in Section 24 para. 3 amount to more than 2 per cent of the total income as defined in Section 24 para. 4 no. 1 to 6. In addition, income exceeding a value of 10,000 euros per contribution shall be disclosed. Inheritances and bequests, if their total value exceeds 10,000 euros, shall be recorded in the statement of accounts, together with the amount, the testator's name and last known address.

### **Section 28 Asset and liability statement**

(1) The asset and liability statement shall list assets having an acquisition value of more than 5,000 euros each (including turnover tax).

(2) Assets shall be assessed at their acquisition and manufacturing costs, less any scheduled depreciation. Scheduled depreciation cannot be claimed for real assets.

(3) Party branches below the level of *Land* branches may book income and expenditure in the year of receipt or payment, respectively, even if the relevant receivables or payables already arose in the preceding year. Sections 249 to 251 of the Commercial Code may be disregarded in the drafting of the statements of accounts for such party branches.

### **Section 29 Audit of the statement of accounts**

(1) The audit specified in Section 23 para. 2, 1<sup>st</sup> sentence, shall apply to the party's national-level ["federal"] branch, its *Land* branches and to at least ten lower-level regional/local branches as selected by the auditor. The audit shall also cover bookkeeping. The audit shall verify compliance with the relevant legal provisions. The audit method used shall be aimed at ensuring that inaccuracies and infringements of legal provisions will be detected if the audit is performed with due professional care.

(2) The auditor may require the Executive Committees and the persons duly authorized by them to furnish clarifying information and documentary proof needed for diligent performance of his/her auditing duty. To this end, the auditor shall also be allowed to examine the records used for compiling a statement of accounts, the accounting books and written documents as well as the cash holdings and existing assets.

(3) The Executive Committee of the regional/local branch to be audited shall provide the auditor with a written affirmation that all income, expenditure and assets to be accounted for are included in the statement of accounts. Reference may be made to such affirmation as provided by the Executive Committees of lower-level branches. An affirmation provided by the Executive Committee member who is responsible for the party's financial matters shall suffice.





### **Section 30      Audit report and audit certificate**

(1) The result of the audit shall be set out in writing in an audit report to be delivered to the party's Executive Committee and to the Executive Committee of the audited regional/local branch.

(2) If the final result of the audit does not give any reason to raise objections, the auditor shall confirm by means of a certificate that, as established by an audit properly performed to the extent required (Section 29 para. 1) and based on the party's account books and documents and on the clarifying information and documentary proof furnished by the Executive Committees, the statement of accounts complies with the provisions of the present Act. If the audit result gives reason to raise objections, the auditor shall either refuse to provide, or shall qualify, such confirmation in his/her audit certificate. The names of the regional/local branches audited shall be stated in the audit certificate.

(3) The audit certificate shall be attached to the statement of accounts to be submitted and be published in full, together with the statement as provided in Section 23 para. 2, 3<sup>rd</sup> sentence.

### **Section 31      Auditors**

(1) A certified auditor or sworn accountant may not be an auditor if he/she

1. holds an office or discharges a function within or for the given political party or has performed such duties of an office or such a function during the past three years;
2. has, in addition to his/her auditing duties, also taken part in bookkeeping or in the drafting of the statement of accounts submitted for auditing;
3. is a legal representative, an employee, a member of the supervisory board or a partner of a legal or natural person or of a partnership, or the owner of an enterprise if such legal or natural person or partnership or one of its partners or the enterprise concerned is not allowed, under number 2, to be the auditor for that political party;
4. employs a person for the audit who, under numbers 1 to 3 above, is not allowed to be an auditor.

(2) An auditing firm or an accountancy firm may not be an auditor if

1. it may not be an auditor, pursuant to paragraph 1 no. 3 above, for being the partner of a legal person or of a partnership, or for the reasons given in paragraph 1 no. 2 or 4 above;
2. any of its legal representatives or partners may not be an auditor pursuant to paragraph 1 no. 2 or 3 above.

(3) The auditors, their assistants and the legal representatives of an auditing company who take part in the audit shall be obliged to discharge their duties conscientiously and impartially and to maintain confidentiality. Section 323 of the Commercial Code shall apply *mutatis mutandis*.

## **Part VI**

### **Procedures in case of inaccurate statements of accounts, and penal provisions**

#### **Section 31a      Reclaiming disbursed public funds**

(1) If contributions and donations (Section 18 para. 3, 1<sup>st</sup> sentence, no. 3) were untruthfully stated in the statement of accounts and, as a result, the amount of public funds to be allotted to the political party was wrongly determined, the President of the German *Bundestag* shall revoke the decision made pursuant to Section 19a para. 1 on the amount of public funds to be disbursed. This shall not apply if the pertinent rectification is included in the statement of accounts



for the following year (Section 23a para. 5, 3<sup>rd</sup> sentence). Section 48 para. 2 of the Administrative Procedure Act (*Verwaltungsverfahrensgesetz*) shall not apply.

(2) After the time limit fixed in Section 24 para. 2 has expired, revocation shall be barred.

(3) In the revocation notice, the President of the German *Bundestag* shall, by an administrative act, set the amount to be reimbursed by the political party. If, in the further course of the public funding procedure, it is found that offsetting of payments and receipts is required, the difference (surplus or deficit) shall be taken into account in the next instalment paid to the party.

(4) The amounts determined for, and disbursed to, the other political parties shall remain unaffected.

(5) Political parties shall include provisions in their statutes to provide against the eventuality that any action pursuant to paragraph 1 above might be caused by *Land* branches or their subordinate regional/local branches.

### **Section 31b Inaccuracy of the statement of accounts**

If the President of the German *Bundestag*, in the course of the verification pursuant to Section 23a, detects inaccuracies in the statement of accounts, the political party shall be liable to pay twice the amount of the wrongly stated sum, except in the case of donations as provided under Section 31c. If inaccuracies in the asset and liability statement or in the explanatory part refer to real assets or to participating interests in companies, the party's liability shall amount to 10 per cent of the value of the assets not included or listed inaccurately. The President shall determine the party's liability to pay the respective amount by an administrative act.

Section 31a, paras. 2 to 5, shall apply *mutatis mutandis*.

### **Section 31c Illegally obtained or undisclosed donations**

(1) A political party which, in contravention of Section 25 para. 2, has accepted donations and not remitted them to the President of the German *Bundestag* in accordance with Section 25 para. 4 shall be liable to pay three times the amount of the illegally obtained sum of money; donations already remitted shall be deducted from the payable amount. A party which fails to publish donations in its statement of accounts in accordance with the provisions of the present Act (Section 25 para. 3) shall be liable to pay twice the amount of the sum not disclosed as prescribed by the present Act. The President shall, by an administrative act, determine the party's liability to pay the respective amount. Section 31a paras. 2 to 5 shall apply *mutatis mutandis*.

(2) By agreement with the Presidium of the German *Bundestag*, the President of the German *Bundestag* shall, at the beginning of the following calendar year, transfer the funds received within a calendar year to institutions serving charitable, church, religious or scientific purposes.

### **Section 31d Penal provisions**

(1) Whosoever, with the intent of concealing the origin or the use of the party's funds or assets or evading the obligation to render public account,

1. causes inaccurate data on the party's income or assets to be included in a statement of accounts submitted to the President of the German *Bundestag*, or submits an inaccurate statement of accounts to the President of the German *Bundestag*; or
  2. as a recipient, divides a donation into smaller amounts and enters them into the books or has them posted by others; or
  3. in violation of Section 25 para. 1, 3<sup>rd</sup> sentence, does not remit a donation;
- shall be liable to imprisonment of up to three years or to a fine. No one shall be subject to a penalty as stipulated under the 1<sup>st</sup> sentence of this paragraph if, under the conditions set forth in



Section 23b para. 2, they report the fact on behalf of the party pursuant to Section 23b para. 1 or help to report the fact.

(2) Whosoever, as an auditor or an auditor's assistant, gives a false report on the result of the audit of a statement of accounts, fails to disclose relevant facts in the audit report or issues an audit certificate containing false information shall be liable to imprisonment of up to three years or to a fine. If offenders act against payment or with the intent of enriching themselves or a third person or of harming another person, the penalty shall be imprisonment of up to five years or a fine.

## Part VII

### Enforcement of the ban on unconstitutional parties

#### Section 32 Enforcement of judgement

(1) Where a political party or a subdivision of a political party has been declared unconstitutional pursuant to Article 21 para. 2 of the Basic Law, the authorities designated by the *Land* Governments shall, within the law, adopt all measures required for enforcing the judgement and any additional enforcement procedures stipulated by the Federal Constitutional Court. To this end, the supreme *Land* authorities shall have unrestricted authority to give instructions to those *Land* agencies and services that are responsible for maintaining public safety or order.

(2) Where the organization or activities of a political party or of the party branch declared unconstitutional extends beyond the territory of any one *Land*, the Federal Minister of the Interior shall issue the directives necessary to ensure uniform enforcement.

(3) In derogation of paragraphs 1 and 2 above, the Federal Constitutional Court may regulate the details of enforcement in accordance with Section 35 of the Act on the Federal Constitutional Court (*Bundesverfassungsgerichtsgesetz*).

(4) An objection to, and action to rescind, enforcement measures shall have no suspensive effect. Where administrative court proceedings pertain to a matter of fundamental importance for the enforcement of a judgement, the proceedings shall be discontinued, and a Federal Constitutional Court decision shall be sought. The Federal Constitutional Court shall also decide on objections raised against the manner in which special enforcement measures ordered by the Court are to be carried out.

(5) In case of asset confiscation, Sections 10 to 13 of the Act on Associations (*Vereinsgesetz*) of 5 August 1964 (Federal Law Gazette I, p. 593) shall be applied *mutatis mutandis*. The authority imposing the ban shall be the supreme *Land* authority or, if paragraph 2 above applies, the Federal Minister of the Interior.

#### Section 33 Ban on follow-up/substitute organizations

(1) Establishing organizations which continue to pursue the unconstitutional aims and activities of a political party banned pursuant to Article 21 para. 2 of the Basic Law in conjunction with Section 46 of the Act on the Federal Constitutional Court (*Bundesverfassungsgerichtsgesetz*) (follow-up/substitute organizations) or continuing existing organizations as substitute organizations shall be prohibited.

(2) Where the follow-up/substitute organization is a political party that already existed before the original party was banned or is a party represented in the *Bundestag* or in a *Landtag*, the Federal Constitutional Court shall declare by judgement that it is a banned substitute or follow-up organization; Sections 38, 41, 43, 44, and 46 para. 3 of the Act on the Federal Constitutional Court and Section 32 of the present Act shall apply *mutatis mutandis*.



(3) Section 8 para. 2 of the Act on Associations (*Vereinsgesetz*) shall be applied *mutatis mutandis* to other political parties and to associations as defined in Section 2 of the Act on Associations which are follow-up/substitute organizations of a banned party.

## Part VIII Final Provisions

**Section 34**      (*Amendment of the Income Tax Act [Einkommensteuergesetz]*)

**Section 35**      (*Amendment of the Corporation Tax Act [Körperschaftsteuergesetz]*)

**Section 36**      (*Application of tax law provisions*)

**Section 37**      **Non-applicability of a provision of the Civil Code**

Section 54, 2<sup>nd</sup> sentence, of the Civil Code shall not be applied to political parties.

**Section 38**      **Coercive measures by the Federal Returning Officer**

The Federal Returning Officer may, by imposing a penalty payment, force the Executive Committee of a political party to take the action specified in Section 6 para. 3. The provisions of the Administrative Enforcement Act (*Verwaltungs-Vollstreckungsgesetz - VwVG*) shall apply *mutatis mutandis*; the Federal Returning Officer shall in such cases act as the enforcement and implementing authority. The penalty shall be no less than 250 euros and no more than 1,500 euros.

**Section 39**      **Provisions on final and transitional arrangements**

(1) *Land* legislation based on Section 22, 1<sup>st</sup> sentence, of the present Act as applicable until 1 January 1994, shall no longer apply.

(2) Calculation of public funds pursuant to Section 18 para. 3 no. 3 and of the relative upper limit shall, for the amounts to be fixed for the years 2003 and 2004, be based on the contributions and donations as shown in the statements of accounts pursuant to (former) Section 24 para. 2 nos. 1 and 2 of the present Act as contained in the version applicable until 31 December 2002. This shall apply likewise to the preparation of the statements of accounts for 2002.

(3) Section 23a para. 3 shall apply to the audit of statements of accounts submitted from the accounting year 2002 onwards. Statements of accounts for 2003 may be prepared on the basis of Sections 24, 26, 26a and 28 in the version applicable from 1 January 2004.

(4) If, for the first-time application of Section 28 para. 2 in the version applicable from 1 January 2003, the acquisition or manufacturing cost of an asset cannot be established without excessive cost or delay, the book values of these assets as given in the statement of accounts for the accounting year 2002 may be stated as the original acquisition and manufacturing costs and be carried forward. If the book values have been determined on the basis of commercial law provisions, the same shall apply to assets for which no scheduled depreciation can be claimed as provided in Section 28 para. 2. A reference to this effect shall be included in the explanatory part.

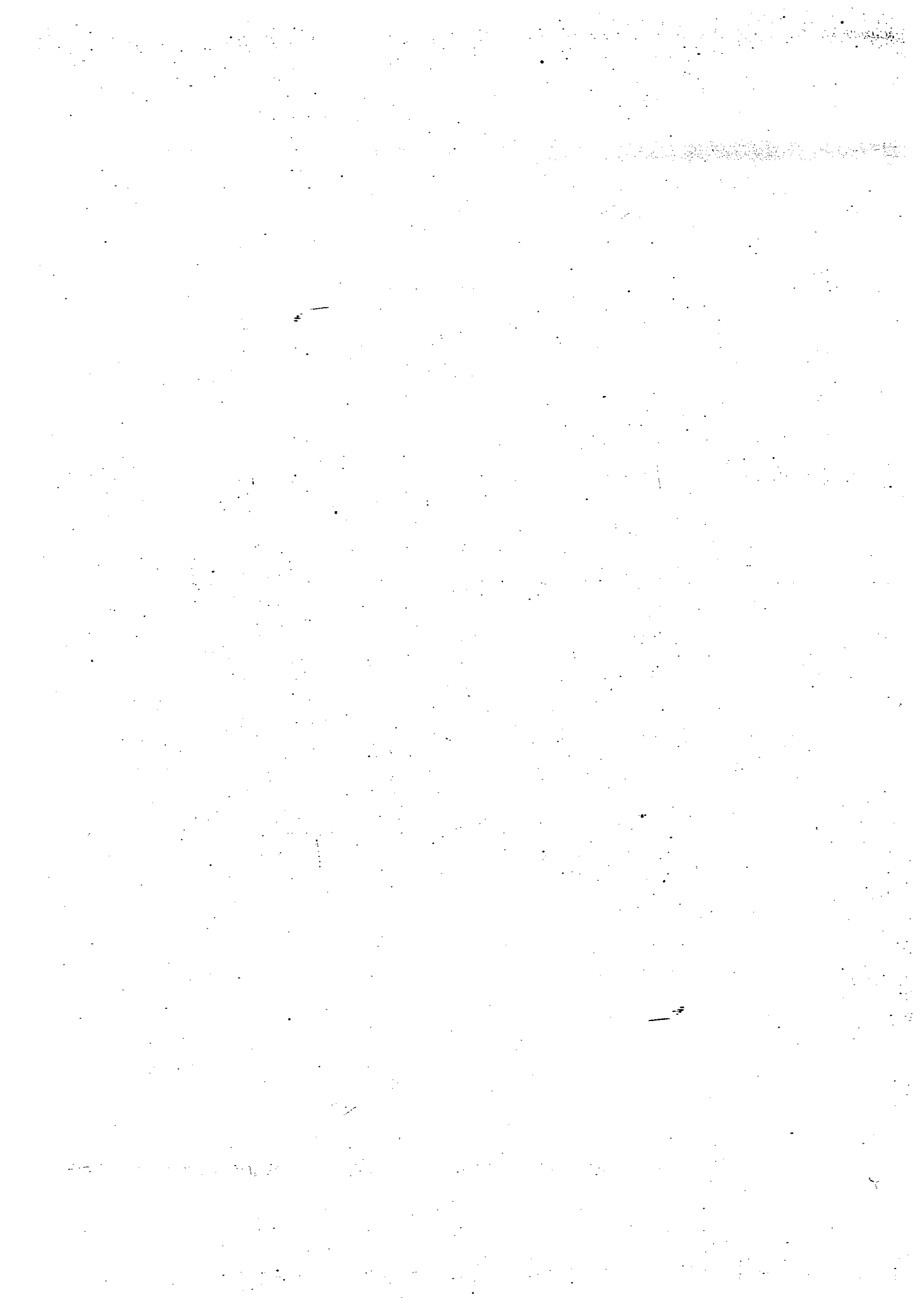
**Section 40**      (*deleted*)

**Section 41**      (*Entry into force*)





**Korea, Republic of: Political  
Parties Act (2005)**



## POLITICAL PARTIES ACT

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Wholly Amended by Act No. 7683, Aug. 4, 2005  
Amended by Act No. 8881, Feb. 29, 2008  
Act No. 9785, Jul. 31, 2009  
Act No. 9973, Jan. 25, 2010  
Act No. 10396, Jul. 23, 2010

### CHAPTER I GENERAL PROVISIONS

#### Article 1 (Purpose)

The purpose of this Act is to contribute to the sound development of democratic politics by securing organizations necessary for political parties to participate in the formation of the political will of the people, and by guaranteeing the democratic organizations and activities of political parties.

#### Article 2 (Definition)

For the purposes of this Act, the term "political party" means a national voluntary organization that aims to promote responsible political assertions or policies and to take part in the formation of the political will of the people in national interests by recommending or supporting candidates for public positions.

#### Article 3 (Composition)

A political party shall be comprised of a central party located in the capital, and City/*Do* parties located respectively in a Special Metropolitan City, and in each Metropolitan City and *Do* (hereinafter referred to as "City/*Do* parties").

### CHAPTER II COMPOSITION OF POLITICAL PARTIES

#### Article 4 (Establishment)

- (1) A political party shall come into existence when its central party is registered with the National Election Commission.
- (2) Registration under paragraph (1) shall satisfy the requirements of Articles 17 and 18.

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### Article 5 (Preparatory Committee for Central Party Formation)

Activities for the formation of a political party shall be made by a Preparatory Committee for Central Party Formation which is comprised of promoters.

### Article 6 (Promoters)

A Preparatory Committee for Central Party Formation shall be comprised of at least 200 persons in cases of a central party, and at least 100 persons in cases of City/Do parties. *<Amended by Act No. 10396 Jul. 23, 2010>*

### Article 7 (Notification)

(1) When a Preparatory Committee for Central Party Formation is established, its representative shall notify the National Election Commission of the following matters:

1. The object of its establishment;
2. The (tentative) title of the political party;
3. The location of its office;
4. The names and addresses of the promoters and their representative;
5. Specimen imprints of the seal of the Committee and the official seal of its representative;
6. Other matters prescribed by the Regulations of the National Election Commission.

(2) A Preparatory Committee for Central Party Formation may begin its activity only after making the notification under paragraph (1).

(3) In cases of notification under paragraph (1), the agreement sealed and signed by the promoters shall be attached. *<Newly Inserted by Act No. 10396, Jul. 23, 2010>*

(4) When any modification occurs in the matters provided for in paragraph (1) 1 through 5 (excluding the names and addresses of promoters among subparagraph 4), the representative of the Preparatory Committee for Central Party Formation shall notify the National Election Commission of the modification within 14 days.

### Article 8 (Scope of Activity of Preparatory Committee for Central Party Formation)

(1) A Preparatory Committee for Central Party Formation may conduct only those activities within the scope of objects for formation of a political party.

(2) A Preparatory Committee for Central Party Formation may perform the activities for formation of a political party only within six months from the date of notification of its formation under Article 7 (1).

(3) When a Preparatory Committee for Central Party Formation has failed to make an application for registration of formation of the central party under Article 11 within the period under paragraph (2), the said Preparatory Committee for Central Party Formation shall be regarded as ceasing to exist as from the day following the expiry of such period.

(4) When a Preparatory Committee for Central Party Formation ceases to exist, the National Election Commission shall give public notice to such effect without delay.

Article 9 (Approval for Formation of City/Do Party)

Approval for the formation of a City/Do party shall be granted by the Central Party or by the Preparatory Committee for formation thereof.

Article 10 (Opening to Public of Meeting for Formation of Political Party)

(1) Meetings for the formation of a political party shall be made open to the public.

(2) In order to open the meeting to the public, a Preparatory Committee for Central Party Formation shall publicly announce the opening of such meeting in a daily newspaper under Article 2 of the Act on the Promotion of Newspapers, etc. at least five days before the day the meeting is to be held. <Amended by Act No. 9785, Jul. 31, 2009>

Article 11 (Application for Registration)

When a Preparatory Committee for Central Party Formation has completed its preparation for formation of a political party, its representative shall apply to the competent election commission for registration to form a political party.

Article 12 (Matters regarding Application for Registration of Central Party)

(1) Matters included in an application for registration of the Central Party shall be as set out in each of the following subparagraphs:

1. The title of the political party (including its abbreviation, when one is resolved upon);
2. The location of the office;
3. The party platform (or basic policies) and party constitution;
4. The names and Addresses of the representative and the executive members;
5. The number of party members;
6. Specimen imprints of the seal of the political party and the official

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seal of its representative;

7. The locations and titles of City/*Do* parties; and

8. The names and addresses of the representatives of City/*Do* parties.

(2) An application for registration under paragraph (1) shall be accompanied by the representative's and the executive members' written consent to assume such posts, evidentiary copies of the proving that public notice was given in a daily newspaper under Article 10 (2), and a copy of the political party formation rally proceedings.

(3) The scope of executive members under paragraph (1) 3 shall be determined by the Regulations of the National Election Commission. *<Newly Inserted by Act No. 9973, Jan. 25, 2010>*

Article 13 (Matters regarding Application for Registration of City/*Do* Party)

(1) Matters included in an application for the registration of a City/*Do* party shall be as set out in each of the following subparagraphs:

1. The title of the political party;
2. The location of the office;
3. The names and addresses of the representative and the executive members;
4. The number of party members; and
5. Specimen imprints of the seal of the political party and the official seal of its representative.

(2) An application for registration under paragraph (1) shall be accompanied by the representative's and the executive members' written consent to assume such posts, written approval for the formation of a political party by the Central Party or a Preparatory Committee for its formation, copies of the written applications for joining the party by the statutory number of party members, and a copy of the political party formation rally proceedings.

(3) The scope of executive members under paragraph (1) 3 shall be determined by the Regulations of the National Election Commission. *<Newly Inserted by Act No. 9973, Jan. 25, 2010>*

Article 14 (Registration of Modifications)

When any modification has occurred in any of the matters under the following subparagraphs as a matter included in an application for registration under Articles 12 and 13, registration of any such modification shall be made within 14 days to the competent election commission. *<Amended by Act No. 9973, Jan. 25, 2010>*

1. The title of the political party (including its abbreviation);
2. The location of its office (in cases of a central party, limited to the relevant office);
3. The party platform (or basic policies) and party constitution;
4. The names and addresses of the representative and the executive members;
5. Specimen imprints of the seal of the political party and the official seal of its representative.

Article 15 (Examination of Application for Registration)

The election commission in receipt of an application for registration shall not refuse it so far as it fulfills the formal requirements: *Provided*, That when the formal requirements have not been fulfilled, the commission shall order that supplements be made by providing for a significant period. Where an applicant fails to comply therewith upon the ordering of supplements on more than two occasions, the commission may reject the relevant application.

Article 16 (Registration, Delivery of Certificate for Registration, and Public Notice)

(1) The competent election commission in receipt of an application for registration under Articles 12 through 14 shall accept the registration within seven days from the date of receiving the application for registration, and deliver the certificate for registration.

(2) When accepting the registration under paragraph (1), the relevant election commission shall publicly notify the relevant effects without delay.

Article 17 (Statutory Number of City/Do Parties)

Political parties shall have five or more City/Do parties.

Article 18 (Legal Numbers of Members of City/Do Parties)

(1) City/Do parties shall have at least 1,000 party members.

(2) The statutory number of party members under paragraph (1) shall have residential addresses within the districts under the jurisdiction of the relevant City/Do parties.

### CHARTER III MERGER OF POLITICAL PARTIES

Article 19 (Merger of Political Parties)

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(1) When political parties are merged under a new party name (hereinafter referred to as a "party newly established by merger"), or a political party merges into another political party (hereinafter referred to as a "party absorbed by merger"), they may be merged under the resolution of a joint meeting of the representative agency of the political parties engaging in the merger of parties or their mandatory agency.

(2) The merger of political parties shall arise upon the registration with or report to the National Election Commission under Article 20 (1), (2) and (4): *Provided*, That when political parties merge as from the opening date of application for registration of candidates for an election under Article 2 of the Public Official Election Act to the election day, such merger shall take effect within 20 days after the election day.

(3) Where a merger of political parties has arisen under paragraphs (1) and (2), *City/Do* parties belonging thereto shall also be regarded as being merged: *Provided*, That in cases of a party newly established by merger, an application for modified registration shall be made within three months from the date of application for registration of party merger by going through a reorganization rally for *City/Do* parties.

(4) Where a party absorbed by merger has failed to make an application for modified registration within the period under the proviso of paragraph (3), the relevant *City/Do* parties shall be regarded as having ceased to exist on the day following the expiration date of the relevant period.

(5) The newly-established political parties or those remaining in existence due to the merger of parties shall succeed to the rights and obligations of the political party before the merger of political parties.

### Article 20 (Application for Registration of Party Merger)

(1) In cases of a party newly established by merger, the representative of the political party shall make an application for registration under Article 12 to the National Election Commission by attaching copies of the relevant proceedings within 14 days from the date of resolution of the joint meeting under Article 19 (1).

(2) In cases of paragraph (1), the matters under Article 12 (1) 7 and 8 may be supplemented within 120 days from the date of application for registration.



(3) When no supplements are made within the relevant period in terms of paragraph (2), the National Election Commission shall order that supplements be made by extending such period for a substantial time twice, and when no supplements arise, the relevant registration may be cancelled under Article 44 (1).

(4) The representative of a political party absorbed by merger shall file a report with the National Election Commission on the reasons for that party's merger within 14 days from the date on which a resolution of the joint meeting exists under Article 19 (1) by attaching the copies of the relevant minutes.

Article 21 (Party Members involved in Party Merger)

In cases of a party merger under Article 19, the party members of the party absorbed shall become the party members of the merged political party. In such cases, the written application prior to the party merger shall be regarded as the written application for joining the merged political party.

#### CHAPTER IV JOINING AND RESIGNATION FROM POLITICAL PARTY

Article 22 (Qualifications of Promoters and Party Members)

(1) Persons having the election rights of Assembly members may become promoters and party members, notwithstanding the provisions of other Acts and subordinate statutes which prohibit their involvement in a political party or political activities by reason of their being public officials or their holding of other relevant social positions: *Provided*, That the same shall not apply to persons falling under any of the following subparagraphs:

1. Public officials provided for in Article 2 of the State Public Officials Act or Article 2 of the Local Public Officials Act: *Provided*, That the President, the Prime Minister, State Council members, Assembly members, members of local council, publicly elected heads of local governments, assistant officers of Assembly members, secretary officials, secretaries, policy research members of the Assembly, and presidents, deans, professors, assistant professors, deputy professors, assistant professors and teachers who are full-time lecturers shall be excluded;

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2. Teachers of a private school excluding its president, deans, professors, deputy professors, assistant professors and full-time lecturers; and

3. Persons having the social positions of public officials under the provisions of Acts and subordinate statutes.

(2) Persons who are not nationals of the Republic of Korea shall not become party members.

### Article 23 (Joining Party)

(1) Persons desiring to become a member of a party shall submit a written application for joining the party which has been signed or sealed to a City/*Do* party or its Preparatory Committee for Central Party Formation, and make the application for joining the party. In such cases, the application for joining the party may be made by way of a digital document carrying a digital signature officially authenticated under Article 2 of the Digital Signature Act.

(2) When the City/*Do* party or its Preparatory Committee for Central Party Formation has received a written application for joining the party under paragraph (1), it shall determine whether or not to permit the applicant to join the party upon examination by the party member qualifications examination committee, and enter the applicant's name on the roster of party members. Then the representative of the City/*Do* party or its Preparatory Committee for Central Party Formation shall issue a certificate for the party member. In such cases, the applicant's accession to membership of the party shall arise at the time the applicant's name is entered on the roster of party member.

(3) Where the City/*Do* party or its Preparatory Committee for Central Party Formation refuses to accept a written application for party membership, or delays an examination for joining the party without lawful justification or to permit an applicant to join the party, the applicant may submit the written application for membership to the Central Party or its Preparatory Committee for Central Party Formation, and when the Central Party or its Preparatory Committee for Central Party Formation acknowledged that it is reasonable to grant a permission to join the party after examining whether or not to permit membership in the party, it shall order the relevant City/*Do* party or its Preparatory Committee for Central Party Formation to enter the applicant's name on the roster of party members. In such cases, the effect of joining the party shall occur

when the written application for membership was received by the Central Party or its Preparatory Committee for Central Party Formation.

(4) A person whose name has not been entered on a roster of party members shall not be recognized as a member of that party.

Article 24 (Roster of Party Members)

(1) A City/Do party shall keep a roster of its party members.

(2) Except in case of request for judgment by the court and in case that the related election commission verifies matters on party members, the roster shall not be subject to compulsory scrutiny.

(3) An inspection of the roster of party members for criminal investigation shall require a warrant to be issued by a judge. In this case, the related public official participating in the investigation shall not divulge the facts on the roster of party members which have come to his knowledge.

Article 25 (Secession from Party)

(1) When a party member intends to resign from a party, he shall submit a written report as to his resignation from the party to a City/Do party to which he belongs, and when it is not impossible to submit to the City/Do party to which he belongs, he may submit it to the relevant Central Party. In this case, the written report of resignation from the party may be submitted by way of a digital document carrying a digital signature publicly authenticated under subparagraph 3 of Article 2 of the Digital Signature Act.

(2) The resignation from a party under paragraph (1) shall take effect when the report on resignation is received at the City/Do party to which he belongs or the Central Party.

(3) The relevant City/Do party in receipt of the written report of resignation from the party shall delete the entry on the roster of party members and deliver the certificate of resignation from the party.

(4) When the Central Party has accepted the written report of resignation from the party under paragraph (1), it shall promptly deliver the certificate of resignation from the party, notify the relevant City/Do party thereof and have it delete the entry on the roster of party members.

Article 26 (List of Those Who Have Resigned from Party)

A list of those who have resigned from a party shall be kept in a City/Do party. In this case, the list of those who have resigned from a party may

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be substituted by an entry of the date of resignation from the party on the roster of party members.

### Article 27 (Handing over of Roster of Party Members, etc.)

A political party shall provide the person responsible for handing over the relevant documents as provided by the Regulations of the National Election Commission (hereinafter referred to as "relevant documents"), such as the roster of party members, seals, etc. relating to operations of the party at the time of a change of its representative, etc. or of a reorganization of systems following a merger of political parties, in the party constitution, and the relevant person responsible for handing over shall hand over the relevant documents, seals, etc. within 14 days from the date on which such circumstances arise.

## CHAPTER V OPERATION OF POLITICAL PARTY

### Article 28 (Opening of Platform, etc. and Entry of Matters in Party Constitution)

(1) A political party shall manifest its platform (or basic policies) and party constitution.

(2) The matters falling under each of the following subparagraphs shall be provided for in the party constitution under paragraph (1):

1. The title of the political party;
2. Matters on general organization, composition and competence of the political party;
3. Matters on methods of appointment, term, rights and obligations of the representative and executive members;
4. Matters on joining and resignation from the party, expulsion of party members and the rights and obligations;
5. Matters on establishment and convocation procedures of the representative organs;
6. Matters on composition, competence and convocation procedures of the executive council;
7. Matters on the finances of the political party;
8. Matters on the election of candidates for elected public offices;
9. Matters on the establishment and amendment of the party constitution.

tution and party regulations;

10. Matters on the dissolution and merger of the political party; and

11. Matters on disposal of residual assets at the time of revocation of registration or voluntary dissolution.

Article 29 (Organizations of Political Party)

(1) A political party shall have a representative organ capable of reflecting the consensus of party members in order to maintain its democratic internal order and an executive organization, and a plenary session of National Assembly members where any of National Assembly members belonging thereto are present.

(2) The Central Party shall have a budget and closing accounts committee in order to verify and examine matters concerning the finances of the political party, such as its budget, closing accounts and auditing, etc. of the details of the political party.

(3) Composition, competence and other matters of the organizations referred to in paragraphs (1) and (2) shall be provided for by the party constitution.

Article 30 (Restriction on Number of Salaried Clerical Staff of Political Parties)

(1) The number of salaried clerical staff members to be employed by a political party shall not exceed 100 in cases of the Central Party, and shall be determined by the Central Party in cases of City/Do parties within 100 for each City/Do party. <Amended by Act No. 9973, Jan. 25, 2010>

(2) Where a political party has employed salaried clerical staff in excess of the number provided for in paragraph (1), the National Election Commission shall reduce the amount obtained by multiplying the average annual personnel expenses of salaried clerical staff of the relevant party by the number of excess salaried clerical staff, from the subsidies to be paid in the next fiscal year under Article 25 (4) of the Political Fund Act. <Amended by Act No. 8881, Feb. 29, 2008>

(3) The term "salaried clerical staff" under paragraph (1) means persons who provide services, under employment of the political parties, for 15 days or more per month notwithstanding permanent services or part-time services, and receive compensation therefor in whatever from, whether as wages, salary, allowances, activity expenses or any others. In such cases, if two or more persons have provided services and are paid considerations (excluding day laborers, employees of service companies and others who have temporarily provided casual labor, such as cleaning, moving, etc.) for less than 15 days per month, one person shall be added

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to the number of salaried clerical staff whenever the sum of working days of the aforementioned persons amounts to 30 days as it exceeds 15 days or more per month. <Amended by Act No. 9973, Jan. 25, 2010>

(4) Notwithstanding paragraph (3), any person falling under any of the following subparagraphs shall not be included in the number of salaried clerical staff under paragraph (1): <Amended by Act No. 9973, Jan. 25, 2010>

1. Researchers at Policy Research Institutes under Article 38; and
2. Executive members of a political party who are only reimbursed activity expenses incurred in carrying out their duties with no payment of considerations for labor.

### Article 31 (Party Fees)

(1) A political party shall establish and operate systems for paying party expenses for the purpose of attaining elite party members and achieving self-sufficiency in political party finances.

(2) No members of a political party shall bear the party fees of others in the same party. Anyone who has borne the party fees of another and anyone who compels another to bear his own party fees, shall have their qualifications as party members of the relevant political party suspended for one year from the date on which it is verified that such party fees had so been paid.

(3) Matters necessary for restrictions on the exercise of rights, expulsion and suspension of qualifications as party members under paragraph (2) with regard to the party members failing to perform their obligations for paying party fees, shall be provided for by the party constitution.

### Article 32 (Prohibition of Documentary Resolution)

(1) Resolutions of a representative organ and resolutions on the expulsion of National Assembly members belonging thereto shall not be made in writing or by proxy.

(2) Resolutions of the representative organ may be made by way of a digital signature authenticated under the provisions of subparagraph 3 of Article 2 of the Digital Signature Act, and the detailed methods, shall be provided for by the party constitution.

### Article 33 (Expulsion of National Assembly Members Belonging to Political Party)

In expulsion of any of National Assembly members belonging to a political party, the political party shall obtain the consent of one half of all National Assembly members or more belonging thereto in addition to going through the procedures as provided for by the party constitution.

### Article 34 (Finance of Political Party)

Financial matters such as the property, revenue and payments of a political party shall be separately provided for by the statutes.

Article 35 (Regular Reports)

(1) A Central Party and City/*Do* party shall report on its party members and on a summary of its activities as of December 31 each year to the competent election commission by no later than February 15 (January 31 in case of a City/*Do* party) of the next fiscal year. In this case, the Central Party shall report the details of the promotion of its policies for the relevant fiscal year, the results of the said promotion and the plans for promoting major policies for the next fiscal year to the National Election Commission.

(2) When any defects have occurred in the requirements of Articles 17 and 18, the Central Party and City/*Do* party shall report them to the competent election commission within 14 days from the date of such defects occurring.

(3) The policy research institutes referred to under Article 38 shall report on the annual activities records as of December 31 each year by no later than February 15 of the next fiscal year to the National Election Commission, and disclose them to the public by means such as publication on the Internet home page of the relevant political parties.

(4) The National Election Commission shall disclose the annual activities records which have been reported under the provisions of paragraph (3) by utilizing the relevant Internet home pages.

Article 36 (Demand for Submission of Reports or Data, etc.)

The election commission of each level (excluding the *Eup/Myeon/Dong* election commission) may demand the political parties to submit the reports or books and documents and other data when deemed necessary for supervision: *Provided*, That the same shall not apply to the roster of party members.

## CHAPTER VI GUARANTEEING ACTIVITIES OF POLITICAL PARTIES

Article 37 (Freedom of Activities)

(1) Political parties shall have freedom in the activities provided for under the Constitution and Acts.

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(2) The activities of political parties making their own policies and current political issues public without supporting and recommending the specific political parties or the candidates for election to public offices (including persons intending to become the candidates) or opposing them by utilizing printed materials, facilities, advertisements, etc., and activities for recruiting party members (excluding door-to-door visits) shall be guaranteed as normal activities of political parties.

(3) Political parties may hold party members councils by the local area districts of National Assembly members and an autonomous *Gu* and a *Si/Gun* and a *Eup/Myeon/Dong*. *Provided*, That no one shall hold the offices of party members councils for the operation of subordinate organizations of City/*Do* party.

### Article 38 (Establishment and Operation of Policy Research Institutes)

(1) A political party entitled to allotment of subsidy under the provisions of Article 27 of the Political Fund Act (hereinafter referred to as the "political party entitled to allotment of subsidy") shall establish and operate in the Central Party a policy research institute as a separate legal entity (hereinafter referred to as a "policy research institute") in order to promote the development and research activities of policies.

(2) The State may support the activities of a policy research institute.

### Article 39 (Policy Discussion Meeting)

(1) The Central Electoral Broadcasting Discussion Forum under the provisions of Article 8-7 of the Election of Public Officials Act shall hold a policy discussion meeting (hereinafter referred to as a "policy discussion meeting") by inviting the persons designated by the representative of the Central Party or the president of policy research institutes at least twice per year during the period excluding from 90 days (during an election, or re-election due to a vacancy of the office of President, the fixed day of circumstances giving rise to holding the said election) before the election day of a general election (including an election, or re-election due to a vacancy of the office of President) to the election day.

(2) Publicly-operated broadcasting companies (referring to the Korean Broadcasting System and broadcasting business operators whose largest contributor is the Broadcasting Culture Promotion Association under the Broadcasting Culture Promotion Association Act; hereafter in this Act,



the same shall apply) shall make a relay broadcasting of the policy discussion meeting through the relevant TV broadcasting. The expenses therefor shall be borne by the publicly-operated broadcasting companies.

(3) The provisions of Article 82-2 (7) through (9), (12) and (13) of the Election of Public Officials Act shall be applied *mutatis mutandis* to the policy discussion meeting. In this case, the term "conversation and discussion meeting" shall be regarded as "policy discussion meeting" and the phrase "election broadcasting discussion meeting of each level" shall be regarded as "Central Electoral Broadcasting Discussion Forum".

(4) The opening, progress and notification of policy discussion meetings and other necessary matters shall be provided for by the Regulations of National Election Commission.

Article 40 (Prohibition of Substitute Political Parties)

When a political party has been dissolved by a ruling of the Constitutional Court, no political party shall be established upon the same or similar platform (or basic policies) as the dissolved political party.

Article 41 (Prohibition of Use of Similar Denomination, etc.)

(1) Unless it is a political party that is registered under this Act, no letters indicating that it is a political party shall be used in its title.

(2) Any title which is the same as that of a political party dissolved by a ruling of the Constitutional Court, shall not be used again as the title of a political party.

(3) The title (including its abbreviation) of the Preparatory Committee for Political Party Formation and the political party shall be clearly distinct from the title used by an already-reported preparatory committee for political party formation and the registered political party.

(4) Any title identical with that of a political party whose registration has been cancelled under Article 44 (1), shall not be used as the title of a political party from the date of such cancellation of registration until the date of election of National Assembly members first held due to the expiration of their term.

Article 42 (Prohibition of Forced Resignation, etc.)

(1) No one shall be forced to enter into, or resign from, a political party without the consent of his own free will: *Provided*, That the same shall not apply to a disposition for expulsion of a party member.

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(2) No one shall become a party member of two or more political parties.

### Article 43 (Obligation to Keep Secrets)

Members and staff at each level of election commission shall keep strictly any secret in respect of their duties not only during their terms of office but also after retirement.

## CHAPTER VII EXTINGUISHMENT OF POLITICAL PARTY

### Article 44 (Revocation of Registration)

(1) When a political party falls under any of the following subparagraphs, the relevant election commission shall revoke its registration:

1. When it becomes incapable of satisfying the requirements under Articles 17 and 18: *Provided*, That such revocation shall be postponed until after the election day when a failure to satisfy such requirements has occurred three months before the general election day, and in other cases until three months from the failure to satisfy such requirements;
2. When failing to participate during the past four years in an election of National Assembly members due to an expiration of term of office or the election of the head of local governments due to the expiration of term of office or that of the members of City/*Do* council; and
3. When failing to obtain a seat in the National Assembly after participating in an election of National Assembly members, and failing to obtain more than 2/100 of total number of effective votes.

(2) When the registration has been revoked under paragraph (1), the relevant election commission shall publicly give notice to that effect without delay.

### Article 45 (Voluntary Dissolution)

(1) Any political party may be dissolved by a resolution of its representative organ.

(2) When a political party is dissolved under paragraph (1), its representative shall give notice to that effect without delay to the competent election commission.

### Article 46 (Revocation of Approval on Formation of City/*Do* Party)

The Central Party or its Preparatory Committee for Central Party For-

mation shall provide for the grounds and procedures for revocation of approval for formation of a City/Do party in the party constitution or the regulations of its Preparatory Committee for Central Party Formation, and when an approval for formation of a party has been revoked on other grounds than those provided for in the constitution or the regulations, it shall be decided by the votes of the Central Party or the representative organ of its Preparatory Committee for Central Party Formation.

Article 47 (Public Notification of Dissolution)

When a report under Article 45 exists, a notification of ruling of the Constitutional Court for dissolution, or a notification of the Central Party or its Preparatory Committee for Central Party Formation of a City/Do party concerning cancellation of approval, the competent election commission shall delete the registration of the relevant political party, and give public notice to that effect without delay.

Article 48 (Disposal of Residual Assets in Case of Dissolution, etc.)

(1) When the registration of a political party is revoked under Article 44, or a political party is dissolved voluntarily under Article 45, its residual assets shall be disposed of under the conditions as provided for by its constitution.

(2) The residual assets of a political party which have not been disposed of under paragraph (1), and those of a political party dissolved by a ruling for dissolution by the Constitutional Court, shall revert to the National Treasury.

(3) Matters necessary for paragraph (2) shall be provided for by regulations of the National Election Commission.

## CHAPTER VII-2 SUPPLEMENTARY PROVISIONS

Article 48-2 (Entrusting Business for Intraparty Election of Party Representative)

(1) The central party of a political party eligible for subsidies under Article 27 of the Political Fund Act may entrust the management of business relating to voting and vote counting among election affairs to elect its representative (hereafter in this Article referred to as an "intraparty competitive election for a party representative") to the National Election Commission.

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(2) In cases where the National Election Commission takes charge of the management of business relating to voting and vote counting for an intraparty competitive election for a party representative under paragraph (1), the expenses thereof shall be borne by the relevant political party.

(3) Detailed procedures and necessary matters in cases where the central party of a political party entrusts business for an intraparty competitive election for a party representative under paragraph (1) shall be prescribed by the Regulations of the National Election Commission.

*[This Article Newly Inserted by Act No. 8881, Feb. 29, 2008]*

## CHAPTER VIII PENAL PROVISIONS

Article 49 (Crimes of Impeding Freedom of Intraparty Competitive Election of Party Representative)

(1) Anyone who falls under any of the following subparagraphs in connection with an election for selecting the representative of a political party, the party executives to be selected by vote (including the electoral college for selecting party executives; hereinafter the same shall apply) (hereinafter referred to as an "Intraparty Competitive Election of Party Representative") shall be punished by imprisonment for not more than five years or a fine not exceeding ten million won:

1. Anyone who has perpetrated on outrage, threat, temptation, arrest or confinement against a candidate, anyone intending to become a candidate, or any elected person;
2. Anyone who has impeded an election campaign or traffic, or impeded the freedom of an intraparty competitive election, etc. of a party representative by deception, malevolent or other illegal means; or
3. Anyone who has instigated anyone who is subject to his protection, command or supervision due to duties, employment or other relations, to support, recommend or oppose a specific candidate.

(2) When any gathering of people has thrown any dangerous goods or assaulted a candidate at a facility or place, etc. for election campaigns in connection with a intraparty competitive election, etc. for a party representative, they shall be punished under the relevant classifications falling under the following subparagraphs:

1. Ringleader: Imprisonment for a definite term of three or more years;
2. Persons who have led others, or acted at the head of others: Imprisonment for not more than seven years; and
3. Persons who have acted in concert with others' opinions: Imprisonment for not more than two years.

Article 50 (Crimes of Buying-off and Interest-Inducement of Intraparty Competitive Election of Party Representative, etc.)

(1) Anyone who falls under any of the following subparagraphs in connection with an intraparty competitive election for selecting the representative of a political party, etc. shall be punished by imprisonment for not more than three years or by a fine not exceeding six million won:

1. Anyone who has provided a candidate (including anyone intending to become a candidate), persons related to election campaigns, voters or witnesses with money and valuables, entertainment, and other property benefits, or public or private positions, who has indicated an intention of making provision of such, or promised to provide the same for the purpose of being selected as the representative of a political party or a party executive, or for coming to be selected or not selected, or of inducing the voters (referring to persons registered on the electoral register for intraparty competitive election, etc.; hereafter in this Article, the same shall apply) to vote or not to vote; or
2. Anyone who has received the benefits or provision of positions referred to in subparagraph 1, or consented to the indication of intent to make the said provision.

(2) A person who has directed, persuaded, demanded or mediated for the conduct referred to in paragraph (1) 1 and 2 shall be punished by imprisonment for not more than five years or a fine not exceeding ten million won.

Article 51 (Confiscation of Benefits from Crimes of Buying-off and Interests-Inducement of Intraparty Competitive Election, etc. Party Representative)

Any benefits received by persons who have committed any crime under Article 50 shall be confiscated: *Provided*, That when the whole or part of any such benefits is not forfeitable, its value shall be collected additionally.

Article 52 (Crimes of Public Announcement of Falsehoods about Intraparty Competitive Election for Party Representative, etc.)

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(1) In connection with an intraparty competitive election for selecting the representative of a political party, etc., anyone who has announced publicly the falsehoods about the affiliation, identity, occupation, assets, career, academic career, academic degree, or reward or punishment of a candidate, his spouse, or lineal ascendants or descendants or brothers and sisters, and those who have distributed propaganda stating such falsehoods (including anyone who has possessed such for the purpose of distribution) for the purpose of being elected or of causing to be elected, by speeches, broadcasts, newspapers, news agencies, magazines, placards, propaganda documents and other means so as to be advantageous to the candidate, shall be punished by imprisonment for not more than three years or by a fine not exceeding six million won.

(2) In connection with an intraparty competitive election for selecting the representative of a political party, etc., anyone who has announced publicly, so as to prevent anyone from being elected, falsehoods about the candidate, his spouse, or lineal ascendants or descendants or brothers and sisters by speeches, broadcasts, newspapers, news agencies, magazines, placards, propaganda documents and other means so as to be disadvantageous to the candidate, and persons who have distributed the propaganda documents stating such falsehoods (including anyone who has possessed such for the purpose of distribution) shall be punished by imprisonment for not more than five years or a fine not exceeding ten million won.

### Article 53 (Crime of Becoming Promoter or Party Member Unlawfully)

Anyone who has become a promoter or a party member in violation of the proviso of Article 22 (1), shall be punished by imprisonment for not more than one year or by a fine not exceeding one million won.

### Article 54 (Crimes of Compelling to Join Party, etc.)

Anyone who has compelled another person to join, resign from a political party in violation of Article 42 (1) shall be punished by imprisonment for not more than two years or by a fine not exceeding two million won.

### Article 55 (Crimes of Joining Political Party Unlawfully)

Anyone who has become a party member of more than two political parties in violation of Article 42 (2) shall be punished by imprisonment for not more than one year or by a fine not exceeding one million won.

### Article 56 (Crimes of Forced Perusal of Party Members Roster)

Anyone who has compelled the inspection of a party members roster shall be punished by imprisonment for not more than five years.

Article 57 (Crime of Failing to Report, etc.)

Anyone who has failed to comply with a request of the competent election commission for a report or submission of data under Article 36 without justifiable cause, or has submitted a false report or made a false statement in such reports, or neglect to report under Article 35 (1) through (3) or made a false statement in such report, shall be punished by imprisonment for a period not exceeding two years or by a fine of less than two million won.

Article 58 (Crime of Divulging Facts Found During Public Service, etc.)

Anyone who falls under any of the following subparagraphs shall be punished by imprisonment or confinement for a period not exceeding three years or by confinement:

1. Anyone who has divulged facts known to him in violation of the provisions of the latter portion of Article 24 (3); or
2. Anyone who has failed to strictly maintain the secrets on duties in violation of the provisions of Article 43.

Article 59 (Crime of False Application for Registration, etc.)

(1) Anyone who falls under any of the following subparagraphs shall be punished by imprisonment for a period not exceeding two years or by a fine of less than two million won:

1. Anyone who falsely applies for registration under Article 12 or 13;
2. Anyone who falsely applies for a modified registration under Article 14; or
3. Anyone who establishes an office of the party members council, etc. for operation of subordinate organizations of a City/Do party in violation of the proviso of Article 37 (3):

(2) Anyone who has violated the provisions of Article 41 (1) or (2), shall be punished by imprisonment for a period of less than one year or by a fine of less than one million won.

Article 60 (Crime of Neglecting Various Obligations)

(1) Anyone who has failed to maintain a party members roster or those who has resigned roster in violation of the provisions of Articles 24 (1) or 26 shall be punished by imprisonment for less than one year, or by a fine of more than 500 thousand won, but less than three million won.

(2) Anyone who has violated the provisions of Article 25 (3) shall be pun-

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ished by a fine of less than one million won.

(3) Anyone who has failed to hand over the relevant documents and seal, etc. in violation of Article 27 shall be punished by imprisonment for a period of less than two years or by a fine of less than two million won.

### Article 61 (Crime of Interference, etc. with Formation of Political Party)

(1) Anyone who interferes, by a deceptive plan or by coercion, with activities for the formation of a political party, and causes the function of Preparatory Committee for Central Party Formation lost or temporarily suspended, shall be punished by imprisonment for less than seven years, or by a fine not exceeding 30 million won.

(2) Anyone who interferes, by a deceptive plan or by coercion, with activities of a political party, and causes the function of Preparatory Committee for Central Party Formation lost or temporarily suspended shall also be punished by the punishment referred to in paragraph (1).

### Article 62 (Imposition and Collection, etc. of Fine for Negligence)

(1) Anyone who has committed an act falling under any of the following subparagraphs shall be punished by a fine for negligence of less than one million won:

1. Anyone who has neglected to apply for modified registration under Article 14;

2. Anyone who has neglected to apply for registration under Article 20 (1), or to file a report under paragraph (4) of the same Article; and

3. Anyone who has neglected to file a report under paragraphs (1) through (3) of Article 35.

(2) A fine for negligence under the provisions of paragraph (1) shall be imposed under the conditions set by the Regulations of the National Election Commission on the offenders by the competent election commission (excluding *Eup/Myeon/Dong* election commissions). In the event such a fine has not been paid by the payment time limit, it shall be entrusted to the head of the competent tax office, and the head of the competent tax office shall collect it by reference to the practices of dispositions for default of national taxes.

(3) Anyone who is dissatisfied with a disposition of a fine for negligence under paragraph (2) may raise an objection to the competent election commission within 20 days from the date of receiving a notice of such disposition.



(4) When anyone subject to a disposition of a fine for negligence under paragraph (2) has raised an objection under paragraph (3), the competent election commission shall promptly notify the competent court of such fact, and the court in receipt of the said notice shall bring the case to trial for the fine for negligence under the Non-Contentious Case Litigation Procedure Act.

(5) Any objection raised or the progress of a trial under paragraph (3) or (4) shall not affect the validity of a disposition of a fine for negligence or its enforcement or a continuation of procedures.

#### ADDENDA

(1) (Enforcement Date) This Act shall enter into force on the date of its promulgation.

(2) (Transitional Measures concerning Opening of Meeting for Formation of Political Party) The previous provisions shall govern the public notification of meeting for formation of a political party under the amended provisions of Article 10 before the Act on Freedom and Guarantee of Functions of Newspapers, etc. enters into force.

(3) (Applicability to Policies Discussion Forum) The policy discussion forum may be convened once per year in the fiscal year in which this Act enters into force first time notwithstanding the amended provisions of Article 39 (1).

(4) (Transitional Measures concerning Penal Provisions) In the application of penal provisions to the acts committed before this Act enters into force, the previous provisions shall govern.

(5) (Relations to other Acts and Subordinate Statutes) In case where the previous provisions are quoted in other Acts and subordinate statutes at the time this Act enters into force, if there exist any corresponding provisions in this Act, the corresponding provisions in this Act shall be deemed to be quoted in lieu of the previous provisions.

#### ADDENDUM <Act No. 8881, Feb. 29, 2008>

This Act shall enter into force on the date of its promulgation.

#### ADDENDA <Act No. 9785, Jul. 31, 2009>

Article 1 (Enforcement Date)

This Act shall enter into force six months after the date of its promulgation.

Articles 2 through 9 Omitted.

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ADDENDA <Act No. 9973, Jan. 25, 2010>

- (1) (Enforcement Date) This Act shall enter into force on the date of its promulgation.
- (2) (Transitional Measures concerning Registration of Modification for Executive Members of Central Party and City/Do Parties) The registration of modification for executive members of the Central Party and City/Do parties under the amended provisions from Articles 12 through 14 shall be made within 30 days after this Act enters into force.
- (3) (Relation to other Acts and Subordinate Statutes) Where the previous provisions are cited in other Acts and subordinate statutes as at the time this Act enters into force, the corresponding provisions shall be deemed cited in place of the previous provisions if provisions equivalent thereto exist in this Act.

ADDENDA <Act No. 10396, Jul. 23, 2010>

- (1) (Enforcement Date) This Act shall enter into force on the date of its promulgation.
- (2) (Transitional Measures concerning Preparatory Committee for Central Party Formation) The Preparatory Committee for Central Party Formation established and reported as at the time this Act enters into force shall be deemed the Preparatory Committee for Central Party Formation established and reported in accordance with this Act.

**Norway: Political Parties Act  
(2005)**



# **ACT 2005-06-17 no. 102: Act on certain aspects relating to the political parties (The Political Parties Act).**

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DATE: ACT-2005-06-17-102  
MINISTRY: FAD (The Ministry of Government Administration and Reform)  
PUBLISHED: In 2005 Booklet 8  
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## **Act on certain aspects relating to the political parties (The Political Parties Act).**

The Act came into force on 1 January 2006, with the exception of Chapter 4, which came into force on 1 July 2005.

### **Chapter 1. General provisions**

#### *§ 1. Purpose and scope of the Act*

(1) The purpose of the Act is:

- to facilitate elections pursuant to Act no. 57 of 28 June 2002 on general, county council and municipal elections (The Election Act) through an arrangement for public registration of political parties,
- to establish a framework for the parties' financial structure that will help secure them a financial basis through public grants and otherwise to help increase the parties' independence and ability to finance themselves, and
- to ensure the authorities' right of inspection and to counteract corruption and undesired connections by ensuring transparency concerning the financing of political parties' activities.

(2) The King may issue regulations concerning the application of the Act on Svalbard (*Spitsbergen*) and may establish separate rules concerning conditions there.

(3) Chapters 3 and 4 apply to parties that are registered in accordance with Chapter 2.

### **Chapter 2. Registration of political parties**

#### *§ 2. The registration authority. Effect of the registration*

(1) A political party that satisfies the conditions in Section 3 may apply to register the party's name in the Register of Political Parties at the Brønnøysund Register Centre.

(2) Before the party can be registered in the Register of Political Parties, it must be registered in the Central Coordinating Register for Legal Entities and be allocated its own organisation number, cf. Section 5 of Act on the Central Coordinating Register for Legal Entities. When the party has been registered in the Central Coordinating Register for Legal Entities, the entry in the Register of Political Parties will be based on the information registered there.

(3) Registration in the Register of Political Parties gives the party the exclusive right to field candidates for election under the registered name.

**§ 3. Conditions for registering a party name in the Register of Political Parties**

(1) In order for a party name to be registered in the Register of Political Parties, it must not be possible to confuse it with the name of

- a) another party registered in the Register of Political Parties or
- b) a Sami political entity registered with the Sami Parliament

When special grounds exist, the registration authority can refuse to register the name of a political party.

(2) The party shall present the following documentation along with the application:

- a) The party's formation document,
- b) information as to which persons have been elected members of the party's executive bodies, and which persons have been authorised to act as the official representatives of the party in cases pursuant to this Act,
- c) statutes determining which party body elects the party's executive bodies, and
- d) declarations from at least 5,000 persons who are eligible to vote in a general election,<sup>4</sup> that they wish the party's name to be registered. The individuals making the declarations must have reached voting age by the end of the calendar year in which the application is made. If the application is submitted less than one year before an election, it is sufficient to have reached voting age by the end of the election year. Each declaration shall include the name, date of birth and address of the person making the declaration. The declaration shall be signed in person and dated by the person who has made it. No declaration shall be more than one year older than the application.

(3) The application shall be registered with the registration authority by 2 January of the election year if the registration is to have any effect at the election.

**§4. Change of registered party name. Amalgamation of parties under a new name**

(1) A registered political party may apply to change its registered party name. The provisions in Section 3 apply correspondingly. Instead of the formation document, the minutes of the meeting at which it was decided to change the party name shall be attached. If the party received at least 500 votes in one county or at least 5,000 votes in the whole country at the last general election, the conditions in Section 3 (2) litra d) do not apply.

(2) If two or more registered parties amalgamate and apply for registration under a new name, this is considered to be an application to change the name. Instead of the formation document, the minutes of the meeting at which it was decided to amalgamate the parties and apply for registration under a new name shall be attached. If one of the parties received at least 500 votes in one county or at least 5,000 votes in the whole country at the last general election, the conditions in Section 3(2) litra d) do not apply.

**§5. Deregistration. When a party name becomes freely available**

(1) The effect of the registration shall cease and the party's name shall become freely available when the party has not issued a list of election candidates in any constituency at two

consecutive general elections. The name of the party shall then be deleted from the Register of Political Parties.

(2) This also applies four years after the party was dissolved or changed its name.

#### *§6. Information concerning the members of the party's executive bodies*

(1) In the event that a registered party wishes to change previously registered information, the party shall submit notification to the Brønnøysund Register Centre and name the persons serving on the party's executive bodies.

(2) By 2 January in the election year, the party shall submit updated information or confirmation of the information registered in the Register of Political Parties giving the names of members of the party's executive bodies with effect for the election. The registration authority shall, well before the time limit, inform the parties of the information registered in the Register of Political Parties.

#### *§7. Announcement of decisions*

The registration authority shall announce decisions concerning registration of new names of political parties or deletion of names from the Register of Political Parties.

#### *§8. Appeals*

(1) The registration authority's decisions under this Chapter may be appealed to the Political Parties Act Committee, cf. Chapter 5. An appeal must be submitted within three weeks. Appeals shall be submitted to the registrar in writing stating the grounds for the appeal. The Committee notifies the registrar of decisions in appeal cases. The Committee's decisions in appeal cases shall be made public.

(2) The decisions of the Political Parties Act Committee may be brought before the courts of law. In that event, any action must be brought within two weeks after the party in question received notification of the Committee's decision, complete with information about the time limit for bringing an action. A court decision on the registration of a party is only effective for a pending election if it is finally and legally enforceable no later than 31 March in the election year. Until a final and legally enforceable decision is available, the Committee's decision forms the basis for the registration in the Register of Political Parties.

#### *§9. Regulations*

The Ministry may in regulations provide more detailed provisions for the registration scheme and the activities of the registration authorities.

### **Chapter 3. Financing of political parties' organisations and elected groups**

#### *§10. Overarching principles for grants from public funds*

(1) Government grants to political parties' organisations at national, regional and municipal levels are paid in the amounts determined by the Storting.



(2) The Storting finances the elected groups in the Storting. The county administrations finance the elected groups in the county councils. The municipalities finance the elected groups in the municipal councils. The grant paid to the elected groups in the county councils and the municipal councils shall be paid proportionally according to the votes the party won at the election.

(3) No conditions shall be attached to the grants from the government, county administrations or municipalities that may be in conflict with the political parties' independence.

(4) The authorities shall not keep control of how the parties or groups dispose of their grants.

**§11. Government grants to political parties' organisations and youth organisations at national level**

(1) Political parties may apply to the Ministry for government grants to the party's organisation at national level. The grants are provided as vote support and basic support.

(2) The vote support is paid as an equal amount in kroner (NOK) to each vote received at the last general election. The basic support is paid as an equal amount in kroner to parties that at the last general election received at least 2.5% of the votes on a national basis or that had at least one representative elected to the Storting. Of the total support, 9/10 is distributed as vote support and 1/10 as basic support.

(3) A political party's central youth organisation which is entitled to vote support may apply to the Ministry for a grant. The grant is paid as an equal amount in kroner to each vote received by the party at the last general election.

(4) Applications for grants during the first year after an election are regarded as applicable to the entire election period as long as the applicant does not provide other information during the period.

**§12. Government grants to political parties' organisations and youth organisations at county level**

(1) A party's county organisation may apply for a grant. The grants are provided as vote support and basic support. Party organisations in Oslo may apply for a grant both as a county organisation and as a municipal organisation, cf. Section 13.

(2) The vote support is paid as an equal amount in kroner to each vote received at the last county council election. The basic support is paid as an equal amount in kroner to parties that at the last county council election received at least 4% of the votes in the county or had at least one representative elected to the county council. Of the total support, 9/10 is distributed as vote support and 1/10 as basic support.

(3) A party's youth organisation that is entitled to vote support may apply for a government grant. The vote support is paid as an equal amount in kroner to each vote received by the party during the last county council election.

(4) The application shall be sent to the County Governor. Applications for grants during the first year after an election are considered to apply to the entire election period as long as the applicant does not provide other information during the period. The grant is disbursed by the County Governor to the parties' county organisations and youth organisations.

(5) Joint lists of election candidates, consisting of parties that meet the conditions in Chapter 2, may apply for vote support and basic support. The grant is calculated pursuant to

subsection 2. The disbursements will be based on the parties' agreed proposal for distribution. Should the parties on the joint list fail to agree on the distribution, the grant shall be distributed discretionally on the basis of the number of votes cast for the parties on a national basis or according to the votes cast at a previous election.

**§13. Government grants to political parties' organisations at municipal level**

(1) A party's municipal organisation may apply for a grant. Party organisations in Oslo may apply for a grant both as a municipal organisation and as a county organisation, cf. Section 12.

(2) The vote support is paid as an equal amount in kroner to each vote received at the last municipal council election. The basic support is paid as an equal amount in kroner to parties that at the last municipal election received at least 4% of the votes in the municipality or had at least one representative elected to the municipal council. Of the total support, 9/10 is distributed as vote support and 1/10 as basic support.

(3) The application shall be sent to the County Governor. Applications for grants during the first year after an election are considered to apply to the entire election period as long as the applicant does not provide other information during the period. The grant is disbursed by the County Governor to the parties' municipal organisations.

(4) Joint lists of election candidates, consisting of parties that meet the conditions in Chapter 2, may apply for vote support and basic support. The grant is calculated pursuant to subsection 2. The disbursements will be based on the parties' agreed proposal for distribution. Should the parties on the joint list fail to agree on the distribution, the grant shall be distributed discretionally on the basis of the number of votes cast for the parties on a national basis or according to the votes cast at a previous election.

**§14. The Ministry's right to withhold government grants**

The Ministry may make it a condition for payment of government grants to a party or a party unit that the party in question has delivered reports according to the rules in Chapter 4.

**§15. Appeals against decisions concerning government grants**

Decisions concerning the allotment of government grants may be appealed to the Political Parties Act Committee, cf. Chapter 5, within three weeks after the decision was made. The committee's decisions may be brought before the courts of law.

**§16. Regulations**

The Ministry may issue regulations stipulating that vote support below a certain amount shall not be paid.

**Chapter 4. Support from others. Reporting of political parties' income and sources of income. Publication**

**§17. The right to receive donations**

- (1) Anyone is permitted to donate to political parties within the limitations that follow from the provision herein.
- (2) No political party may receive a donation if the identity of the donor is unknown to the party (anonymous donations). Such donations fall to the public purse.
- (3) Political parties may not receive donations from
  - a) legal entities under the control of the state or other public agency,
  - b) foreign donors, which means private individuals who are not Norwegian citizens or who do not satisfy the conditions for eligibility to vote at municipal and county council elections, cf. the Election Act Section 2-2 , or corporate bodies that are registered abroad.
- (4) In this provision, donation means any form of support that the party would be obliged to report pursuant to Section 19.

#### **§18. *Obligation to report and the reporting period***

- (1) All political parties, including organisational units of parties that are comprised by this Act, shall submit annual reports on their income.
- (2) The report shall include income in the period 1 January to 31 December and shall be submitted no later than six months after the closing of the accounts.
- (3) Political parties or units of political parties whose total income during the year is less than 10,000 kroner after the deduction of all public support are exempted from the obligation to report accounts of their income pursuant to Section 19. These parties are obliged to submit a declaration that their income for the year has been below this level.
- (4) Reporting of accounts of income pursuant to Section 19, or declarations pursuant to subsection 3 of this Section, shall be submitted to the central register for the scheme.

#### **§19. *Income that must be reported***

- (1) The report shall contain a complete overview of the income received by the party or the party organisations during the period.

- (2) The income shall be categorised as follows:

##### **Public grants:**

- a) Government grants pursuant to Chapter 3.
- b) Municipal/County support for the party
- c) Other public support

##### **Income from the party's own activity:**

- d) Subscription revenues
- e) Income from lotteries, fund-raising campaigns and similar
- f) Income from capital
- g) Income from business activities
- h) Other income

Donations from others:

- i) Private individuals
- j) Commercial enterprises
- k) Organisations in working life
- l) Other organisations, associations and unions, institutions, foundations and funds
- m) Others

Internal transfers:

- n) Transfers from other party units

(3) Donations are to be understood as monetary donations and the value of goods, services and other corresponding benefits that are received free of charge or at a reduced price. Benefits from private individuals consisting of ordinary volunteer work that does not require special qualifications, or that is not part of the benefactor's income basis, are not counted as donations. The same applies to the loan of premises and objects by private individuals who do not have this as part of their income basis.

(4) Donations other than monetary donations shall be valued at market value and reported as income. Such donations below the determined limits in Section 20 (1) may nonetheless be exempted.

#### **§20. Identification of donations and donors**

(1) If during the period a donor has made one or more donations to the party's head organisation to a total value of 30 000 kroner or more, the value of the donation and the identity of the donor shall be reported separately. This also applies to donations to party units at county council level to a total value of 20 000 kroner or more, and to donations to party units at municipal level to a total value of 10 000 kroner or more. Donations to the parties' youth organisations are governed by the rules for donations to the parent party at a corresponding level.

(2) Private individuals shall be identified by name and address and the municipality in which they live. Other donors shall be identified by name and postal address.

#### **§21. Declarations, signatures and auditor's approval**

(1) The report shall contain a declaration that the party or the party unit has had no other income than that reported.

(2) If political or commercial agreements have been entered into with any donor, the report shall contain a declaration to this effect. The party or the party unit is obliged on request to allow inspection of agreements entered into with donors.

(3) Reports from the party's head organisation shall be signed by the party leader and be approved by an auditor.

(4) Reports, including declarations under Section 18 (3) from parties or party units at municipal or county level, shall be signed by the person who is applying for or signing in receipt of party support under Chapter 3 plus one more member of the board. No auditor's approval is required.

## **§22. Publication**

- (1) A central register for reporting under this Act shall be established.
- (2) The central register shall compare the information concerning the party's income and sources of income and make this available to the public in an appropriate manner, for example by electronic means. The register shall send an overview to the Political Parties Act Committee and to the Ministry of any parties or party units that have failed to comply with the requirement to report within the time limit.
- (3) Further rules concerning the manner of reporting and the organisation of the central register are determined in regulations issued by the Ministry.

## **§23. Inspection of political parties' accounts**

Parties or party units comprised by this Act are obliged on request to allow inspection of the accounts that have been prepared for the previous year.

## **Chapter 5. Committee for considering appeals, etc.**

### **§24. Committee for distribution of grants and consideration of appeals**

- (1) The Political Parties Act Committee is an independent administrative body, administratively subordinate to the King and the Ministry. Neither the King nor the Ministry may issue instructions concerning the execution of authority by the Political Parties Act Committee in individual cases under the law, nor may they alter it.
- (2) The Political Parties Act Committee shall:
  - a) interpret the relevant regulations
  - b) make decisions on withholding grants
  - c) decide on appeals concerning decisions relating to registration, cf. Section 8
  - d) decide on appeals concerning decisions relating to government grants, cf. Section 15

### **§25. Composition of the Committee**

The members of the Committee are appointed by the King in Council for six years at a time.

The Committee shall have at least five members. The chairman of the Committee shall have the qualifications required for a judge.

### **§26. The Committee's annual report**

The Committee shall submit an annual report on its activity. The report shall be forwarded to the Ministry by 1 October.

### **§27. Regulations**

The Ministry may through regulations issue more detailed rules concerning the activity of the Committee. The Ministry may also issue regulations concerning the opportunity to appeal ~~the Committee's decisions in cases concerning inspection of documents pursuant to the Public~~

Administration Act and The Freedom of Information Act and the costs of bringing cases under Section 36 of the Public Administration Act.

## **Chapter 6. Entry into force and transitional rules**

### **§28. *Entry into force and transitional provisions***

(1) This Act comes into force from the date determined by the King. From the same date, Chapter 5 of Act no. 57 of 28 June 2002 relating to general, county council and municipal elections (the Election Act) is repealed.

(2) The King determines when to repeal Act no. 30 of 22 May 1998 on the publication of political parties' income.

(3) The Ministry may issue further transitional provisions.

Poland: Political Parties Law  
(1997)





**ACT of 27 June 1997**

**on political parties<sup>1</sup>**

**Chapter 1**

**General provisions**

**Article 1.**

1. A political party is a voluntary organisation acting under a specific name with the view to participating in public life by exerting influence, through democratic methods, on the shaping of the state's policy, or exercising public power.
2. A political party may avail itself of the rights arising hereunder after registration in the register of political parties.

**Article 2.**

1. Citizens of the Republic of Poland who are aged 18 or over may be members of political parties.
2. A ban on membership in political parties shall be defined by separate acts.

**Article 3.**

A political party shall base its activities on voluntary work of its members; it may hire employees to run its affairs.

**Article 4.**

Public authorities shall be required to treat political parties equally.

**Article 5.**

Political parties shall be ensured access to public radio and television in accordance with the rules laid down in separate acts.

**Article 6.**

Political parties may not perform tasks reserved by the provisions of law for public authorities or substitute those authorities in performance of such tasks.

**Article 7.**

A political party may not have organisational units at work places.

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<sup>1</sup> Prepared on the basis of: consolidated text Journal of Laws of 2001 No. 79, item 857, No. 154, item 1802, of 2002 No. 127, item 1089, of 2003 No. 57, item 507, of 2004 No. 25, item 219, No. 273, item 2703, of 2005 No. 167, item 1398, of 2008 No. 171, item 1056.

## **Chapter 2**

### **Structure and rules of operation of political parties**

#### **Article 8.**

Political parties shall develop their structures and rules of operation in accordance with principles of democracy, specifically by ensuring transparency of those structures, appointing the party's governing bodies by election and adopting resolutions by majority vote.

#### **Article 9.**

1. The constitution of a political party shall specify its purposes, structure and rules of operation, and in particular:
  - 1) the party's name, abbreviated name and seat,
  - 2) manner of acquiring and losing membership,
  - 3) rights and obligations of members,
  - 4) the party's governing bodies, including bodies representing the party in dealings with third parties and authorised to incur financial obligations, their competencies and duration of their term of office,
  - 5) procedure for appointing the party's governing bodies and filling vacant seats on those bodies,
  - 6) manner of incurring financial obligations, raising funds and procedure for preparing and approving the statement of the party's financial activities,
  - 7) rules of establishing and winding up the party's local organisational units,
  - 8) rules for amending the constitution,
  - 9) manner of dissolving the party and procedure for merging with other party or parties.
2. The constitution of a political party shall be adopted by the general assembly of the party's members or the assembly of their democratically elected representatives.

#### **Article 10.**

A member of a political party shall have the right to leave it.

## **Chapter 3**

### **Register of political parties**

#### **Article 11.**

1. A political party shall have an application made for its entry in the register of political parties, hereinafter referred to as the "register" maintained by the District Court in Warsaw, hereinafter referred to as the "Court".
2. The application should include the party's name, abbreviated name and the address of its seat as well as full names and addresses of persons making up its governing bodies authorised under its constitution to represent the party in dealings with third parties and to incur financial obligations. The application may be appended with the specimen of the political party's graphic symbol.
3. The application should be appended with:
  - 1) the political party's constitution,
  - 2) the list containing full names, addresses of residence and PESEL identification numbers and personal signatures of at least 1000 citizens of the Republic of Poland

supporting the application who are aged 18 or over and have full capacity to perform acts in law; each page of the list should bear the name of the political party for which an entry in the register is sought.

4. The provisions of the Act of 5 July 1990 - Law on Gatherings (Journal of Laws No. 51, item 297, of 1999 No. 41, item 412, of 2000 No. 12, item 136 and of 2001 No. 46, item 499) shall apply accordingly to the collection of signatures from persons supporting the application referred to in paragraph 3.
5. The name, abbreviated name and graphic symbol of a political party should be distinctly different from names, abbreviated names and graphic symbols of the already existing parties.
6. The application shall be made by three persons from among those referred to in paragraph 2, who assume responsibility for the truthfulness of data included in the application.

#### Article 12.

1. The Court shall make an entry of a political party in the register immediately, if the application complies with the provisions of law.
2. Entry shall also be construed to mean amendment or deletion of an entry.
3. Cases concerning entry in the register shall be examined *in camera*; the Court may decree that a hearing be held.
4. The Court shall deliver its judgement in the form of a decision.
5. The decision on the entry may be appealed against, unless the provisions of this Act provide otherwise.

#### Article 13.

1. If an application to enter a political party in the register was made in violation of the provisions of Article 11 (2) to (6), the Court shall call on the applicants to remove identified defects within the time limit set by it, but not longer than 3 months.
2. In the case of failure to remove defects within such a time limit and in such a manner as indicated by the Court, the Court shall issue a decision refusing to enter a political party in the register.
3. The decision may be appealed against within 14 days from its delivery or announcement in open court.

#### Article 14.

1. If concerns arise as to the compliance with the Constitution of the purposes and rules of operation of a political party set out in its constitution, in accordance with Article 9 (1), or in its programme, the Court shall suspend the proceedings referred to in Article 12 and shall petition the Constitutional Tribunal to examine the compliance of the political party's purposes with the Constitution.
2. There shall be no appeal against the decision referred to in paragraph 1.
3. If the Constitutional Tribunal delivers a judgement finding the political party's purposes to be non-compliant with the Constitution, the Court shall refuse to enter the party in the register.
4. There shall be no appeal against the Court's decision referred to in paragraph 3.

#### **Article 15.**

Final and binding decisions of the Court in cases regarding entry in the register shall be announced, free of charge, in the "*Monitor Sądowy i Gospodarczy*" gazette and shall be forwarded to the State Electoral Commission.

#### **Article 16.**

A political party shall acquire legal personality upon its entry in the register.

#### **Article 17.**

The name, abbreviated name and graphic symbol of a political party sought to be entered in the register in the manner specified in Article 11 shall be subject to legal protection as envisaged for personal rights.

#### **Article 18.**

1. The register together with the texts of political parties' constitutions shall be open to public inspection.
2. Anyone shall have the right to receive from the Court certified copies and extracts from the register and constitutions of political parties.
3. Copies and extracts shall be subject to a fee. Such fees shall constitute income of the state budget.
4. (repealed).

#### **Article 19.**

1. A political party shall be required to notify the Court about:
  - 1) amendment of the party's constitution,
  - 2) change of the address of the party's seat,
  - 3) changes in the composition of governing bodies authorised under its constitution to represent the party in dealings with third parties and to incur financial obligations.
2. A political party shall notify the Court about changes specified in paragraph 1 immediately, but not later than within 14 days from the date these changes were made.

#### **Article 20.**

1. In the event that a political party fails to fulfil the requirements laid down in Article 19, the Court shall call on the relevant governing body of the political party to provide explanations or submit missing data within a time limit set by it, not shorter than 3 months. If doubts arise, the Court shall examine whether the procedure for appointing the party's governing bodies or filling vacant seats on those bodies referred to in Article 9 (1) (5) has been complied with.
2. If the time limit referred to in paragraph 1 expires with no submissions made, the Court shall issue a decision to strike the political party from the register.

#### **Article 21.**

1. If a political party introduces to its constitution changes which are inconsistent with Article 8, the Court may petition the Constitutional Tribunal to examine whether the purposes and rules of operation of the political party comply with the Constitution.
2. The provisions of Article 14 (2) to (4) shall apply accordingly.

#### **Article 22.**

Cases concerning registration of a political party in the register shall be governed by the provisions of the Code of Civil Procedure concerning non-litigious procedure, having regard to the provisions of this Act, providing that an appeal of last resort may only be made against decisions of the second-instance court regarding registration in or striking from the register.

#### **Article 23.**

The Minister of Justice shall specify, by way of a regulation, the specimen of and the manner of keeping the register of political parties as well as detailed rules for issuing copies and extracts referred to in Article 18.

### **Chapter 4**

#### **Finances and financing of political parties**

##### **Article 23a.**

Sources of financing of political parties shall be open to public inspection.

##### **Article 24.**

1. Assets of political parties shall accrue from membership fees, gifts, inheritance, bequests, property income and subventions and subsidies specified by acts of law.
2. A political party's assets may only be used for purposes in line with its constitution or for charitable purposes.
3. A political party may not carry on business activities.
4. A political party may derive income from its assets originating only from:
  - 1) interest paid on funds deposited in bank accounts and term deposits,
  - 2) trading in Treasury bonds and Treasury bills,
  - 3) sale of assets owned by it,
  - 4) activities referred to in Article 27.
5. A political party may lend real estate and premises owned by it only for use as offices of deputies and senators as well as offices of municipal, county or provincial councillors.
6. A political party may not carry out public collections.
7. A political party may take out bank loans for purposes in line with its constitution.
8. A political party may accumulate funds only in bank accounts, subject to Article 26a.

##### **Article 25.**

1. A political party may receive funds only from natural persons, subject to the provisions of paragraph 2, Article 24 (4) and (7), Article 28 (1) and the provisions of acts of law concerning elections to the Sejm of the Republic of Poland and to the Senate of the Republic of Poland as well as elections to the European Parliament, regarding earmarked subsidy.
2. A political party may not accept funds originating from:
  - 1) natural persons who do not have a place of residence in the Republic of Poland, with the exception of Polish citizens living abroad,
  - 2) foreigners who have a place of residence in the Republic of Poland.
3. The provisions of paragraph 1 and 2 shall apply accordingly to non-monetary contributions.

4. The total sum of payments from a natural person to a political party, excluding membership fees amounting in any given year to not more than the minimum wage set in pursuance of separate regulations, prevailing on the day immediately preceding the date of payment, as well as payments to the Election Fund of a political party may not exceed in any given year 15 times the minimum wage set in pursuance of separate regulations, prevailing on the day immediately preceding the date of payment.
5. A single payment of the sum exceeding the minimum wage set in pursuance of separate regulations, prevailing on the day immediately preceding the date of payment, may be made to a political party only by cheque, transfer or payment card.

**Article 26. (deleted).**

**Article 26a.**

The obligation for a political party to collect cash in bank accounts shall not apply to proceeds from membership fees not exceeding from a single member in any given year the amount of the minimum wage set in pursuance of separate regulations, prevailing on the day immediately preceding the date of payment, which are left to the disposal of the party's local organisational units - to be used to cover expenses relating to their day-to-day operations.

**Article 27.**

Own activities carried out by a political party involving sale of the text of its constitution or the party's programme, as well as items symbolising the party and publications promoting the political party's purposes and activities as well as the provision of minor services to third persons using the party's own office equipment shall not be deemed business activities within the meaning of separate regulations.

**Article 28.**

1. A political party which:
  - 1) in an election to the Sejm, having independently formed an electoral committee, received nationwide at least 3% of validly cast votes on its district lists of candidates for deputies, or
  - 2) in an election to the Sejm was a member of a coalition, whose district lists of candidates for deputies received nationwide at least 6% of validly cast votes, shall be entitled to receive for the duration of the term of office of the Sejm, in the manner and in accordance with the rules set out in this Act, a subsidy from the state budget for its activities envisaged by its constitution, hereinafter referred to as the "subsidy".
2. The subsidy payable to an electoral coalition of political parties shall be divided among its member parties in such proportions as specified in an agreement forming the electoral coalition. Proportions specified in such an agreement may not be changed.
3. An agreement forming an electoral coalition shall be submitted for registration with the State Electoral Commission, otherwise being null and void.
4. If political parties that make up an electoral coalition did not specify proportions referred to in paragraph 2 in their agreement forming the electoral coalition, the subsidy shall not be paid.
5. If an electoral coalition dissolves after it has become eligible to receive the subsidy, the subsidy shall be paid to political parties that make up the electoral coalition in such proportions as specified in an agreement forming the electoral coalition.

6. The subsidy referred to in paragraph 1 shall be payable starting from 1 January of the year following the year in which an election was held. The subsidy shall be paid until the end of the year, in which the next election is to be held, subject to Article 32.

#### Article 29.

1. The amount of the annual subsidy referred to in Article 28 for a given political party or an electoral coalition shall be determined on a gradual degression basis pro rata to the total number of valid votes cast on district lists of candidates for deputies of such a party or electoral coalition, with breakdown by the number of votes corresponding to individual percentage brackets, in accordance with the following formula:

$$S = W_1 \times M_1 + W_2 \times M_2 + W_3 \times M_3 + W_4 \times M_4 + W_5 \times M_5$$

where individual symbols mean:

S - amount of annual subsidy,

$W_{1-5}$  - numbers of votes calculated successively for each line of the following table, provided separately as a result of breaking down the total number of valid votes cast nationwide on district lists of candidates for deputies from a given political party or electoral coalition according to the percentage bracket,

$M_{1-5}$  - amount in PLN for consecutive lines of the following table:

| Line | Total valid votes cast nationwide on district lists of candidates for deputies from a given political party or electoral coalition with breakdown respectively for each bracket |                 | Amount for one vote (M) |
|------|---|-----------------|-------------------------|
|      | percentage  | number of votes |                         |
| 1    | up to 5%  |                 | PLN 10.00               |
| 2    | above 5% up to 10%  |                 | PLN 8.00                |
| 3    | above 10% up to 20%   |                 | PLN 7.00                |
| 4    | above 20% up to 30%   |                 | PLN 4.00                |
| 5    | above 30%   |                 | PLN 1.50                |

- The annual subsidy in the amount determined in pursuance of paragraph 1 and Article 28 shall be paid each year during the term of office of the Sejm to a given political party in four equal quarterly instalments, subject to Article 32.
- The basis for payment of the subsidy shall be an application for payment of the subsidy for a given year submitted by a political party's governing body authorised by its constitution to represent it in dealings with third parties, by 31 March of each year, prepared using the official form and approved by the State Electoral Commission in terms of eligibility for the subsidy and its amount.
- Proceeds of the subsidy shall be kept in a separate sub-account of a political party's bank account. The subsidy shall be remitted to a bank account indicated by a political party by the minister responsible for public finances.
- The first quarterly instalment of the subsidy due to a political party shall be paid within 30 days at the latest from the publication by the State Electoral Commission in the Official Journal of the Republic of Poland "Monitor Polski" of a notice about approved and rejected election reports from electoral committees.

6. The minister responsible for public finances shall, by way of a regulation, increase the amounts referred to in paragraph 1, if the consumer price index rises overall by more than 5%, by such an amount as corresponds to the increase of those prices.
7. The consumer price index referred to in paragraph 6 shall be set on the basis of the communiqué of the President of the Central Statistical Office published in the Official Journal of the Republic of Poland "Monitor Polski" by the 20th day of the first month of each quarter.

#### **Article 30.**

1. A political party shall set up the Expert Fund.
2. Funds accumulated in the Expert Fund may originate only from a political party's own payments.
3. A political party which is in receipt of the subsidy shall remit between 5% and 15% of the subsidy to the Expert Fund.
4. Funds accumulated in the Expert Fund may be used to finance legal, political, sociological and socio-economic expert opinions and to finance publishing and educational activities relating to a political party's business envisaged by its constitution.
5. The proceeds of the Expert Fund shall be kept in a separate sub-account of a political party's bank account.

#### **Article 31.**

1. In the event that a political party merges with other party or parties, the subsidy referred to in Article 28 shall accrue to the new party in the amount equal to the sum of the subsidies fixed for the merging parties.
2. The subsidy shall be paid on the basis of an application submitted by the competent governing body of the new political party, beginning from the month, in which the Court made a relevant entry in the register.
3. In cases referred to in Article 45, the subsidy accruing to a political party shall cease to be paid as from the month following the month, in which a political party dissolved or had a winding-up order made against it by the Court.

#### **Article 32.**

Should the term of office of the Sejm be shortened, an entitlement to the subsidies accruing to political parties shall expire at the end of the quarter, in which the term of office of the Sejm ended.

#### **Article 33.**

1. Subsidy-related expenditure shall be covered out of the state budget under section Budget, Public Finances and Financial Institutions.
2. The minister responsible for public finances shall specify, by way of a regulation:
  - 1) detailed manner of filing an application referred to in Article 29 (3) and detailed rules of payment of the subsidy,
  - 2) having consulted the State Electoral Commission, the specimen of the official form referred to in Article 29 (3).

#### **Article 34.**

1. Political parties shall prepare an annual financial statement of the received subsidy and expenses paid out of the subsidy, hereinafter referred to as the "statement".



2. Political parties shall submit the statement for the calendar year to the State Electoral Commission by 31 March of the following year.
3. The minister responsible for public finances, having consulted the State Electoral Commission, shall specify, by way of a regulation, the specimen of the statement together with necessary guidance as to the manner of preparing same as well as the scope of data contained therein, such as to allow, in particular, reliable verification of data on the use of subsidy proceeds, including proceeds of the Expert Fund.
4. The statement shall be filed together with the appended opinion and report of the registered auditor appointed by the State Electoral Commission. Costs of preparing the opinion and the report shall be covered by the National Electoral Office.
- 4a. The statement shall be filed in writing and on a computer data storage medium, whose type and software format shall be specified by the minister responsible for public finances in the regulation referred to in paragraph 3.<sup>2</sup>
5. The statement shall be published by the State Electoral Commission in the Official Journal of the Republic of Poland "Monitor Polski" within 14 days of the date of filing thereof with the State Electoral Commission.

#### Article 34a.

1. Within 4 months of the date of filing of the statement, the State Electoral Commission shall:
  - 1) approve the statement without qualifications,
  - 2) approve the statement, indicating shortcomings,
  - 3) reject the statement.
- 1a. The statement shall be rejected if a political party is found to use proceeds of the received subsidy for purposes unrelated to its activities envisaged by its constitution.
2. Should doubts arise as to the truthfulness or fairness of the statement, the State Electoral Commission may ask a given political party to remedy defects in the statement or to provide explanations within the stated time limit.
3. When examining the statement, the State Electoral Commission may commission expert analyses or opinions.
4. When examining the statement, the State Electoral Commission may demand necessary assistance from public authorities.
5. Within 14 days of the date of publication of the statement referred to in Article 34 (5):
  - 1) political parties,
  - 2) associations and foundations, whose by-laws provide for activities involving reviews of financing of political parties- may submit to the State Electoral Commission justified objections in writing concerning the statement.
6. The State Electoral Commission shall, within 60 days of the submission of an objection referred to in paragraph 5, give a written answer to the objection.

#### Article 34b.

1. In the event that the State Electoral Commission rejects the statement, a political party shall have the right to lodge, within 7 days of the date of delivery of the decision about rejection of the statement, a complaint with the Supreme Court against the State Electoral Commission's decision rejecting the statement.

<sup>2</sup> new wording of Article 34 (4a) enters into force on 8/10/2008 (Journal of Laws of 2008 No. 171, item 1056)

2. The Supreme Court shall examine the complaint sitting as a panel of seven judges. The provisions of the Code of Civil Procedure concerning non-litigious procedure shall apply accordingly to the examination of the complaint.
3. The Supreme Court shall examine the complaint and render its judgement in the case within 60 days of the date of receipt of the complaint. There shall be no legal remedy against the judgement of the Supreme Court.
4. If the Supreme Court finds the complaint referred to in paragraph 1 to be legitimate, the State Electoral Commission shall issue a decision about the approval of the statement.

#### **Article 34c.**

1. A political party shall forfeit its entitlement to receive the subsidy for a year, if:
  - 1) it fails to file the statement by the deadline specified in Article 34 (2) or
  - 2) the statement is rejected by the State Electoral Commission or
  - 3) the Supreme Court dismisses the complaint referred to in Article 34b (1).
2. The political party shall forfeit its entitlement to the subsidy in the calendar year following the year, in which an event referred to paragraph 1 occurred.

#### **Article 35.**

1. A political party shall set up a permanent Election Fund in order to finance its participation in elections to the Sejm and to the Senate, in elections for the President of the Republic of Poland, in elections to the European Parliament and in elections to local government bodies.
2. A political party's expenses in respect of purposes referred to in paragraph 1 may only be paid through the Election Fund starting from the day an election campaign commenced. To this end, funds shall be remitted to a separate bank account of a relevant electoral committee.
3. A political party shall notify the State Electoral Commission about the establishment and liquidation of the Election Fund.
4. The name of the fund shall be: "Election Fund of (name of the party)".

#### **Article 35a.**

1. Financial management of the Election Fund shall be the responsibility of and shall be exercised by its financial agent.
2. The following persons may not serve as a financial agent:
  - 1) candidate for President of the Republic of Poland, deputy, senator or councillor,
  - 2) public officer within the meaning of Article 115 § 13 of the Penal Code.
3. Any given person may act as a financial agent only in respect of one Election Fund.

#### **Article 36.**

1. Funds accumulated in the Election Fund may originate only from a political party's own payments and from donations, inheritance and bequests.
2. (deleted).
3. The Election Fund proceeds shall be kept in a separate bank account.

#### Article 36a.

1. The total sum of payments from a natural person to the Election Fund of a given political party in any given year may not exceed 15 times the minimum wage set in pursuance of separate regulations, prevailing on the day immediately preceding the date of payment.
2. If, in a given calendar year, more than one election or national referendum is held, then the total sum of payments to the Election Fund referred to in paragraph 1 shall be increased to 25 times the minimum wage set in pursuance of separate regulations, prevailing on the day immediately preceding the date of payment. The provision of the first sentence shall not apply to by-elections to the Senate as well as by-elections, repeat elections and early elections and new elections to decision-making bodies of local government units, during their term of office.
3. Monies may be paid to the Election Fund only by cheque, transfer or payment card.

#### Article 36b. (deleted).

#### Article 37.

Proceeds of the Election Fund of a political party:

- 1) in the case of a merger with other party or parties, shall be transferred to the Election Fund of the new party,
- 2) in the case of a split of the party, shall be transferred to the Election Fund of newly created parties in equal parts, unless upon its dissolution, the party fixes other distribution ratios,
- 3) in the case of winding-up of the party, shall be donated to charity.

#### Article 37a.

All notices and written communications provided by a political party with a view to raising funds:

- 1) for an election - shall contain information about the wording of the provisions of Article 25, Article 36a, Article 49c (3) and Article 49g (2);
- 2) for a referendum - shall contain information about the wording of the provisions of Article 25 and Article 49c (3).

#### Article 38.

1. A political party shall submit to the State Electoral Commission, by 31 March of each year at the latest, a report on the sources of raised funds, including bank loans and terms on which these were obtained and on spending out of the Election Fund in the previous calendar year, hereinafter referred to as the "report".
2. The minister responsible for public finances, having consulted the State Electoral Commission, shall specify, by way of a regulation, the specimen of the report, together with necessary guidance as to the manner of preparing same as well as a list of documents to be appended. The specimen shall specify in particular the manner of separate accounting for proceeds of the Election Fund of a political party.
3. The report shall be appended with an opinion and report of the registered auditor covering receipts into the Election Fund of political party. The registered auditor shall be appointed by the State Electoral Commission and costs of preparing the opinion and the report shall be covered by the National Electoral Office.
- 3a. The report shall be filed in writing and on a computer data storage medium, whose type and software format shall be specified by the minister responsible for public finances in the regulation referred to in paragraph 2.

4. The report together with the opinion and the report referred to in paragraph 3 shall be published by the State Electoral Commission in the Official Journal of the Republic of Poland "Monitor Polski" within 14 days of the date of filing thereof with the State Electoral Commission.

#### **><sup>3</sup> Article 38a.**

1. Within 4 months of the date of filing of the report, the State Electoral Commission shall:
  - 1) approve the report without qualifications,
  - 2) approve the report, indicating shortcomings,
  - 3) reject the report.The provisions of Article 34a (2) to (6) shall apply accordingly.
2. The report shall be rejected, if:
  - 1) a political party carries on business activities,
  - 2) funds have been raised from public collections,
  - 3) funds are kept outside a bank account, in contravention of the provisions of Article 24 (8),
  - 4) funds are accepted from natural persons referred to in Article 25 (2) or funds are raised from other impermissible sources,
  - 5) expenditure is accumulated or made for election campaigns otherwise than through the Election Fund,
  - 6) proceeds of the Election Fund are accumulated outside a separate bank account in contravention of the provisions of Article 36 (3).

#### **Article 38b.**

In the event that the State Electoral Commission rejects the report, a political party shall have the right to lodge, within 7 days of the date of delivery of the decision rejecting the report, a complaint with the Supreme Court against the State Electoral Commission's decision rejecting the report. The provisions of Article 34b (2) to (4) shall apply accordingly.

#### **Article 38c.**

1. In the event that a political party fails to file the report within the time limit specified in Article 38 (1), the State Electoral Commission shall petition the Court to strike that party from the register.
2. In the case referred to in paragraph 1, after holding a hearing, the Court shall issue a decision to strike the political party from the register.

#### **Article 38d.**

In the event that the State Electoral Commission rejects the report or - where a complaint has been lodged against the decision to reject the report - in the event that the complaint is dismissed by the Supreme Court, the political party shall lose its entitlement to receive the subsidy during the next three years, in which it is eligible to receive it. This time period shall be counted from the beginning of the quarter following the quarter, in which the report was rejected, and where a complaint is lodged against the decision to reject the report - the time period shall be counted from the beginning of the quarter following the quarter, in which the complaint was dismissed by the Supreme Court.

#### **Article 39. (deleted).**

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<sup>3</sup> new wording of Article 38 (3a) enters into force on 8/10/2008 (Journal of Laws of 2008 No. 171, item 1056)

#### **Article 39a.**

1. Financial gains donated to a political party or an Election Fund in contravention of the provisions of Article 24 (3), (6) and (8), Article 25, Article 36 (1) and (3) or Article 36a shall be forfeited to the Treasury.
2. The provision of paragraph 1 shall not apply to financial gains donated to a political party or the Election Fund in contravention of the provisions of this Act, which were not accepted by the party or were returned by it to the donor within 30 days from the date of donation at the latest.
3. If a financial gain has been accepted, used up or lost, subject to forfeiture shall be the equivalent thereof. Acceptance of a financial gain in contravention of the provisions of the Act shall be ascertained by the State Electoral Commission in its decision on the report on the sources of raised funds, including bank loans and terms on which these were obtained and on spending out of the Election Fund in the previous calendar year.
4. A political party, within 60 days from the issuance of the decision referred to in paragraph 3 by the State Electoral Commission, may voluntarily pay a financial gain obtained unlawfully to the account of the tax office having jurisdiction over its seat. The proof of payment of the proceeds to the State Treasury shall be submitted by such a political party to the State Electoral Commission.
5. Where a political party refuses to voluntarily give up a financial gain to the State Treasury within the time limit specified in paragraph 4, the minister responsible for public finances shall, at the request of the State Electoral Commission, petition the District Court in Warsaw to order forfeiture of the financial gain.
6. The provisions of the Code of Civil Procedure concerning non-litigious procedure shall apply accordingly to the proceedings concerning forfeiture of a financial gain.
7. In court proceedings in cases relating to forfeiture of financial gains and in enforcement proceedings relating to those cases, the State Treasury shall be represented by the tax authority having jurisdiction over a political party's seat.

#### **Article 40.**

Taxation of political parties shall be governed by corporate income tax regulations.

#### **Article 41.**

The minister responsible for public finances, having consulted the State Electoral Commission, shall specify, by way of a regulation, the rules of keeping accounts by a political party, and in particular of documenting and recording income, expenditure, settlements and property assets, and preparing financial statements - including keeping records of and accounting for received public funds.

## **Chapter 5**

### **Proceedings to ascertain non-compliance of the purposes and activities of political parties with the Constitution**

#### **Article 42.**

Examination of cases for ascertainment of non-compliance of the purposes and activities of political parties with the Constitution shall fall within the competence of the Constitutional Tribunal.

#### **Article 43.**

The procedure in respect of proceedings before the Constitutional Tribunal in cases referred to in Article 42 is laid down by the Act of 29 April 1985 on the Constitutional Tribunal.

#### **Article 44.**

1. If the Constitutional Tribunal delivers a judgement finding a political party's purposes or activities to be non-compliant with the Constitution, the Court shall immediately issue a decision to strike the party from the register.
2. There shall be no appeal against the Court's decision referred to in paragraph 1.

## **Chapter 6**

### **Winding up of a political party**

#### **Article 45.**

A political party shall be wound up as a result of:

- 1) dissolution in pursuance of the resolution of the party's authorised governing body provided for by its constitution,
- 2) Court's decision to strike the party from the register for reasons referred to in Article 20, 21, 39 and 44.

#### **Article 46.**

1. Where a political party is dissolved in pursuance of its own resolution, the party's competent governing body shall immediately submit to the Court the resolution on the party's self-dissolution and on appointment of its liquidator.
2. If a political party fails to appoint a liquidator in accordance with paragraph 1, a liquidator of that party shall be appointed by the Court.
3. After the completion of liquidation, the Court shall issue a decision to strike the political party from the register. There shall be no appeal against the Court's decision.

#### **Article 47.**

After the decision referred to in Article 45 (2) becomes final, the Court shall order the winding up of a political party and shall appoint its liquidator.

#### **Article 48.**

The cost of winding up shall be covered out of the assets of the liquidated political party. If the party's assets are sufficient to cover only a portion of the costs of its winding up, the outstanding portion of such costs shall be covered by the State Treasury.

#### **Article 49.**

To matters relating to the winding up of a political party which are not regulated herein, the provisions of Chapter 5 of the Act of 7 April 1989 - Law on Associations (Journal of Laws of 2001 No. 79, item 855) shall apply accordingly.

#### **Chapter 6a**

#### **Criminal provisions**

#### **Article 49a.**

A person who carries out public collection in violation of the prohibition referred to in Article 24 (6) shall be subject to a fine.

#### **Article 49b.**

A person who:

- 1) on behalf of a political party lends real estate and premises owned by it to be used otherwise than as offices of deputies, senators or offices of municipal, county or provincial councillors,
- 2) violates the principles laid down in Article 24 (8) concerning the manner of accumulating funds of a political party,  
shall be subject to a penalty of a fine.

#### **Article 49c.**

A person who:

- 1) uses a political party's assets for purposes other than specified in Article 24 (2),
- 2) carries on business activities on behalf of a political party in contravention of the provision of Article 24 (3),
- 3) donates to a political party or receives on behalf of a political party funds or non-monetary contributions in contravention of the provisions of Article 25,  
shall be subject to a fine of from PLN 1000 to PLN 100 000.

#### **Article 49d.**

A person who fails to fulfil or prevents the fulfilment of the obligation to prepare and submit the statement referred to in Article 34 (1) or provides untrue data therein,  
shall be subject to a fine, a penalty of restriction of liberty or imprisonment of a maximum of 2 years.

#### **Article 49e.**

A person who uses funds collected in the Election Fund for purposes other than specified in Article 35 (1),  
shall be subject to a fine of from PLN 1000 to PLN 100 000.

#### **Article 49f.**

A person who:

- 1) spends a political party's funds to finance election campaigns otherwise than through the Election Fund,
- 2) fails to fulfil or prevents the fulfilment of the obligation to prepare and submit the report referred to in Article 38 or provides untrue data therein,

shall be subject to a fine, a penalty of restriction of liberty or imprisonment of a maximum of 2 years.

**Article 49g.**

A person who:

- 1) violates the principles laid down in Article 36 (3) concerning the manner of keeping the proceeds of the Election Fund,
  - 2) makes payments to the Election Fund in the amount exceeding limits set out in Article 36a (1) or (2),
  - 3) fails to stipulate in the bank account agreement concluded by him on behalf of the Election Fund that payments to the Election Fund may only be made in the manner specified in Article 36a (3),
- shall be subject to a penalty of a fine.

**Article 49h.**

Proceedings in cases referred to Article 49b and Article 49g shall be governed by the provisions concerning proceedings in petty crime cases.

**Chapter 7**

**Changes in regulations in force**

Articles 50 to 59 (omitted).

**Chapter 8**

**Transitional and final provisions**

Articles 60 to 61 (omitted).

**Article 62.**

To cases regarding registration in the register of political parties commenced before the date of entry of the Act into force, the currently-applicable provisions shall apply.

**Article 63.**

The Act of 28 July 1990 on political parties (Journal of Laws No. 54, item 312) shall be repealed.

**Article 64.**

The Act shall enter into force 30 days after its promulgation, except for the provision of Article 58 which shall enter into force 4 months after the promulgation.



Japan:Political Party  
Subsidies Act (1994)



(Found a mistake? Please let us know.)

VC011

### When are ballots recounted?

**Question:** Under what conditions are ballots recounted?

**Answer(s):** g. No information available

**Comments:** According to the Public Offices Election Act, the voters and candidates can appeal to the court when they have any objection to the electoral result. The court judges whether the result is valid or not. However, it does not mention recounting ballots.

**Source:** Public Offices Election Act, Art. 204, 206 and 208: <https://aceproject.org/ero-en/regions/asia/JP/japan-public-offices-election-act-2016-1>

**Verified:** 2016/06/06

(Found a mistake? Please let us know.)

## Media and Elections

ME037

### Criteria for allocating free broadcast time

**Question:** What are the criteria for allocating free broadcast time and/or free printed advertisement space to political parties?

**Answer(s):** b. Based on number of candidates put forward in present elections

**Comments:** Political parties have free access to TV and radio broadcast, and newspaper advertisements during the election campaign.

**Source:** International IDEA (2003) "Funding of Political Parties and Election Campaigns"; Public Offices Election Act, Art.149, 150, and 151: <http://aceproject.org/ero-en/regions/asia/JP/japan-public-offices-election-act-2016-1/view>

**Verified:** 2016/06/07

(Found a mistake? Please let us know.)

ME059

### Television debates

**Question:** Are televised debates between candidates or party representatives normally conducted?

**Answer(s):** b. Yes, in legislative elections

**Comments:** The legal framework does not mention the debates.

**Source:**

**Verified:** 2016/06/07

(Found a mistake? Please let us know.)

ME062

### Blackout period for release of opinion poll results.

**Question:** What is the blackout period, if any, during which results of pre-election opinion polls

Also, candidates or political parties can express their political views, free of charge, over the radio and the television broadcast(article 150).

**Source:** Political Party Subsidies Act, Art. 3,4,7 and 8: <http://aceproject.org/ero-en/regions/asia/JP/japan-political-party-subsidies-act-1994/view>; Public Offices Election Act, Art. 149,150, 263 and 264: <https://aceproject.org/ero-en/regions/asia/JP/japan-public-offices-election-act-2016-1>; International IDEA Political Finance Database: <http://www.idea.int/political-finance/country.cfm?id=114#question-270>

**Verified:** 2016/06/06

(Found a mistake? Please let us know.)

PC015

**Question:** What is the basis of the public funding?

**Answer(s):** a. Equal funding, regardless of size and previous performance  
b. Based on result of previous election  
c. Based on current legislative representation

**Comments:** Free public broadcast is available for all candidates. Public subsidies are distributed to the parties in accordance with the number of the seats that each party has and the a party's vote share in the last election.

**Source:** Public Offices Election Act, Art. 149 and 150: <https://aceproject.org/ero-en/regions/asia/JP/japan-public-offices-election-act-2016-1>; Political Party Subsidies Act, Ch.3: <http://aceproject.org/ero-en/regions/asia/JP/japan-political-party-subsidies-act-1994/view>

**Verified:** 2016/06/06

(Found a mistake? Please let us know.)

PC017

**Question:** Are political parties entitled to private funding?

**Answer:** a. Yes

**Comments:** For example, Political Funds Control Act Art. 21 defines that cooperations, unions or other organizations can donate money only to the political parties and the political fund management organizations.

**Source:** Political Funds Control Act: <http://aceproject.org/ero-en/regions/asia/JP/japan-political-funds-control-act-1948/view>; International IDEA Political Finance Database: <http://www.idea.int/political-finance/country.cfm?id=114>

**Verified:** 2016/06/06

(Found a mistake? Please let us know.)

## Vote Counting

VC004

**Votes are sorted/counted at**

**Question:** Following the close of the voting, where are the votes first sorted and counted?

**Answer:** c. Special counting centres

**Comments:**

**Source:** Public Offices Election Act, Art 63: <https://aceproject.org/ero-en/regions/asia/JP/japan-public-offices-election-act-2016-1>

**Verified:** 2016/06/06

**Question:** What are the registration requirements for political parties running for national elections (Chamber 1)?

**Answer(s):** e. Minimum number of candidates  
f. Other

**Comments:** An organization which wishes to register as a political party needs to have 5 Diet members or 2% of the total votes in the last election.

**Source:** Public Offices Election Act, Art. 86 and 86-2: <https://aceproject.org/ero-en/regions/asia/JP/japan-public-offices-election-act-2016-1>

**Verified:** 2016/06/06

(Found a mistake? Please let us know.)

PC003

### Registration requirements for candidates (Chamber 1)

**Question:** What are the legal qualifications to become a candidate at legislative elections (Chamber 1)?

**Answer(s):** a. Age  
b. Citizenship

**Comments:** Minimum age: 25 years old. The qualifications of members of both Houses and their electors shall be fixed by law. However, there shall be no discrimination because of race, creed, sex, social status, family origin, education, property or income.

**Source:** Constitution, Art. 44: <http://aceproject.org/ero-en/regions/asia/JP/SDOC2815.pdf/view>; Public Offices Election Act, Art. 10(1): <https://aceproject.org/ero-en/regions/asia/JP/japan-public-offices-election-act-2016-1>

**Verified:** 2016/06/06

(Found a mistake? Please let us know.)

PC008

### Independent candidates

**Question:** Can independent candidates compete in presidential or legislative elections?

**Answer(s):** c. In legislative elections (Chamber 1)  
d. In legislative elections (Chamber 2)

**Comments:**

**Source:** Public Offices Election Act, Art. 86 and 86-4: <https://aceproject.org/ero-en/regions/asia/JP/japan-public-offices-election-act-2016-1>

**Verified:** 2016/06/06

(Found a mistake? Please let us know.)

PC012

### Public funding of parties

**Question:** Do political parties receive direct/indirect public funding?

**Answer(s):** b. Direct  
c. Indirect

**Comments:** According to the Political Party Subsidies Act, subsidies, which amount to 250 yen per capita are distributed among parties according to their number of Diet seats and their proportion of the total vote (Articles 7–8). As indirect public funding, candidates or political parties can put an advertisement in newspapers free of charge (article 149).

# Japan

Disclaimer: This section is currently under reconstruction and parts of the data might be missing or outdated. If you find inaccuracies please contact the ACE facilitators.

## Boundary Delimitation

BD001

### Delimitation of constituencies

**Question:** Are constituencies delimited for election purposes?

**Answer:** a. Yes

**Comments:** Japan uses the mixed-system. For the plurality system, Japan is divided into 300 single member districts. For the proportional representation system, it is divided into 11 blocks.

**Source:** Constitution, Art. 47: <http://aceproject.org/ero-en/regions/asia/JP/SDOC2815.pdf/view>; Public Offices Election Act, Art. 13 & 14: <https://aceproject.org/ero-en/regions/asia/JP/japan-public-offices-election-act-2016-1;>

**Verified:** 2016/06/06

(Found a mistake? Please let us know.)

BD003

### Criteria for drawing boundaries

**Question:** On what criteria are the boundaries drawn?

**Answer(s):** a. "Equality" of population  
b. Respecting natural barriers  
d. Conformity with local jurisdiction boundaries

**Comments:**

**Source:** Public Offices Election Act, Art. 15 (7): <https://aceproject.org/ero-en/regions/asia/JP/japan-public-offices-election-act-2016-1;> Oder for Enforcement of the Public Offices Election Act, Ch.2: <https://aceproject.org/ero-en/regions/asia/JP/japan-order-for-enforcement-of-the-public-offices>

**Verified:** 2016/06/06

(Found a mistake? Please let us know.)

BD005

### Body responsible for drawing boundaries

**Question:** The body responsible for drawing the boundaries is:

**Answer(s):** a. Legislature (1st chamber)

**Comments:** The advise on the delimitation of constituencies made by the Boundary Commission must be accepted by the legislature.

**Source:** Constitution, Art. 47: <http://aceproject.org/ero->

# 政党助成法

(平成六年二月四日法律第五号)

最終改正：平成二六年六月一三日法律第六九号

(最終改正までの未施行法令)

平成二十六年五月三十日法律第四十二号 (未施行)

平成二十六年六月十三日法律第六十九号 (未施行)

第一章 総則 (第一条—第四条)

第二章 政党の届出 (第五条・第六条)

第三章 政党交付金の算定等 (第七条—第十三条)

第四章 政党交付金の使途の報告 (第十四条—第二十条)

第五章 政党の解散等に係る措置 (第二十一条—第三十条)

第六章 報告書等の公表 (第三十一条—第三十二条の二)

第七章 政党交付金の返還等 (第三十三条・第三十四条)

第八章 雑則 (第三十五条—第四十二条の二)

第九章 罰則 (第四十三条—第四十八条)

附則

## 第一章 総則

(目的)

第一条 この法律は、議会制民主政治における政党の機能の重要性にかんがみ、国が政党に対し政党交付金による助成を行うこととし、このために必要な政党の要件、政党の届出その他政党交付金の交付に関する手続を定めるとともに、その使途の報告その他必要な措置を講ずることにより、政党の政治活動の健全な発達の促進及びその公明と公正の確保を図り、もって民主政治の健全な発展に寄与することを目的とする。

(政党の定義)

第二条 この法律において「政党」とは、政治団体（政治資金規正法（昭和二十三年法律第百九十四号）第三条第一項に規定する政治団体をいう。以下同じ。）のうち、次の各号のいずれかに該当するものをいう。

- 一 当該政治団体に所属する衆議院議員又は参議院議員を五人以上有するもの
- 二 前号の規定に該当する政治団体に所属していない衆議院議員又は参議院議員を有するもので、直近において行われた衆議院議員の総選挙（以下単に「総選挙」という。）における小選

選挙区選出議員の選挙若しくは比例代表選出議員の選挙又は直近において行われた参議院議員の通常選挙（以下単に「通常選挙」という。）若しくは当該通常選挙の直近において行われた通常選挙における比例代表選出議員の選挙若しくは選挙区選出議員の選挙における当該政治団体の得票総数が当該選挙における有効投票の総数の百分の二以上であるもの

- 2 前項各号の規定は、他の政党（政治資金規正法第六条第一項（同条第五項において準用する場合を含む。）の規定により政党である旨の届出をしたものに限る。）に所属している衆議院議員又は参議院議員が所属している政治団体については、適用しない。

（政党に対する政党交付金の交付等）

第三条 国は、この法律の定めるところにより、政党交付金の交付を受ける政党等に対する法人格の付与に関する法律（平成六年法律第百六号。以下「法人格付与法」という。）第四条第一項の規定による法人である政党に対して、政党交付金を交付する。

- 2 政党交付金は、議員数割（政党に所属する衆議院議員及び参議院議員の数に応じて交付される政党交付金をいう。以下同じ。）及び得票数割（総選挙の小選挙区選出議員の選挙及び比例代表選出議員の選挙並びに通常選挙の比例代表選出議員の選挙及び選挙区選出議員の選挙における政党の得票総数に応じて交付される政党交付金をいう。以下同じ。）とする。

（この法律の運用等）

第四条 国は、政党の政治活動の自由を尊重し、政党交付金の交付に当たっては、条件を付し、又はその用途について制限してはならない。

- 2 政党は、政党交付金が国民から徴収された税金その他の貴重な財源で賄われるものであることに特に留意し、その責任を自覚し、その組織及び運営については民主的かつ公正なものとするとともに、国民の信頼にもとることのないように、政党交付金を適切に使用しなければならない。

## 第二章 政党の届出

（政党交付金の交付を受ける政党の届出）

第五条 政党交付金の交付を受けようとする政党は、その年の一月一日（同日が前年において行われた総選挙又は通常選挙に係る次条第一項の選挙基準日前にある場合には、当該選挙基準日とする。以下「基準日」という。）現在における次に掲げる事項を、基準日の翌日から起算して十五日以内に、総務大臣に届け出なければならない。

- 一 名称（略称を用いている場合には、名称及びその略称）
- 二 主たる事務所の所在地
- 三 代表者、会計責任者及び会計責任者に事故があり又は会計責任者が欠けた場合にその職務を行うべき者それぞれ一人の氏名、住所、生年月日及び選任年月日
- 四 会計監査を行うべき者の氏名、住所、生年月日及び選任年月日
- 五 所属する衆議院議員又は参議院議員の氏名、住所及び衆議院の小選挙区選出議員若しくは



比例代表選出議員又は参議院の比例代表選出議員若しくは選挙区選出議員の別並びに当該衆議院議員又は参議院議員が選出された選挙の期日

## 六 次に掲げる得票総数

イ 直近において行われた総選挙（以下この号及び第八条第三項において「前回の総選挙」という。）の小選挙区選出議員の選挙における当該政党の得票総数

ロ 前回の総選挙の比例代表選出議員の選挙における当該政党の得票総数

ハ 直近において行われた通常選挙（以下この号及び第八条第三項において「前回の通常選挙」という。）及び当該前回の通常選挙の直近において行われた通常選挙（以下この号及び第八条第三項において「前々回の通常選挙」という。）の比例代表選出議員の選挙における当該政党のそれぞれの得票総数

ニ 前回の通常選挙及び前々回の通常選挙の選挙区選出議員の選挙における当該政党のそれぞれの得票総数

七 支部を有する場合にあっては、当該支部の数、名称及び主たる事務所の所在地並びに代表者、会計責任者及び会計責任者に事故があり又は会計責任者が欠けた場合にその職務を行うべき者それぞれ一人の氏名及び住所

八 その他総務省令で定める事項

2 政党は、前項の規定による届出をする場合には、次に掲げる文書を併せて提出しなければならない。

一 綱領その他の当該政党の目的、基本政策等を記載した文書

二 党則、規約その他の当該政党の組織、管理運営等に関する事項を記載した文書

三 当該政党に所属する衆議院議員又は参議院議員としてその氏名その他の前項第五号に掲げる事項を記載されることについての当該衆議院議員又は参議院議員の承諾書及び同項の規定による届出において当該政党以外の政党に所属している者としてその氏名その他の同号に掲げる事項を記載されていないことを当該衆議院議員又は参議院議員が誓う旨の宣誓書

四 その他総務省令で定める事項を記載した文書

3 政党は、第一項の規定により届け出た事項に異動があったときは、基準日後に総選挙又は通常選挙が行われた場合及び政党が解散し、若しくは目的の変更その他により政治団体でなくなり、又は第二条第一項各号のいずれにも該当しない政治団体となった場合を除き、その異動の日の翌日から起算して七日以内に、その異動に係る事項を第一項の規定の例により届け出なければならない。前項の規定により政党が提出した文書の内容に異動があったときも、同様とする。

4 第一項の規定による届出があったときは、総務大臣は、同項各号に掲げる事項（同項第七号に掲げる事項については、支部の数とする。）を告示しなければならない。これらの事項につき前項前段の規定による届出があったときも、同様とする。

（総選挙又は通常選挙が行われた場合の届出）

第六条 政党交付金の交付を受けようとする政党は、その年において総選挙又は通常選挙が行われた場合には、当該選挙により選出された衆議院議員若しくは参議院議員の任期を起算する日

(以下この項において「任期の初日」という。)又は当該選挙の期日の翌日(以下この項において「選挙の翌日」という。)のうちいずれか遅い日(当該選挙に係る公示の日から任期の初日又は選挙の翌日のうちいずれか遅い日までの間に他の総選挙又は通常選挙に係る公示の日から任期の初日又は選挙の翌日のうちいずれか遅い日までの期間がかかる場合には、これらの選挙に係る任期の初日又は選挙の翌日のうち最も遅い日とする。以下「選挙基準日」という。)現在における前条第一項各号に掲げる事項を、選挙基準日の翌日から起算して十五日以内に、総務大臣に届け出なければならない。

- 2 前条第二項から第四項までの規定は、前項の届出について準用する。この場合において、同条第三項中「基準日」とあるのは、「当該届出に係る次条第一項の選挙基準日」と読み替えるものとする。
- 3 第一項並びに前項において準用する前条第二項及び第三項の場合において、政党は、同条第一項、同条第三項前段(前項において準用する場合を含む。)若しくは第一項の規定により既に届け出た事項又は同条第二項若しくは第三項後段(これらの規定を前項において準用する場合を含む。)の規定により既に提出した文書の内容に異動がないときは、第一項並びに前項において準用する同条第二項及び第三項の規定にかかわらず、総務省令で定めるところにより、これらの規定により届け出るべき事項又は提出すべき文書の一部を省略することができる。
- 4 第一項の規定は、選挙基準日とその年の十二月に属する場合には、適用しない。

### 第三章 政党交付金の算定等

#### (政党交付金の総額等)

- 第七条 毎年分として各政党に対して交付すべき政党交付金の算定の基礎となる政党交付金の総額は、基準日における人口(基準日の直近において官報で公示された国勢調査の結果による確定数をいう。)に二百五十円を乗じて得た額を基準として予算で定める。
- 2 毎年分の議員数割及び得票数割の総額は、前項の総額のそれぞれ二分の一に相当する額とする。

#### (政党交付金の額の算定)

- 第八条 毎年分として各政党(その年分について第五条第一項の届出(第六条第一項の規定の適用がある場合にあつては、同項の届出)をしたものに限る。以下この条において同じ。)に対して交付すべき政党交付金の額は、次項に定める議員数割の額と第三項に定める得票数割の額とを合計した額とする。
- 2 各政党に対して交付すべき議員数割の額は、議員数割の総額に当該政党に所属する衆議院議員及び参議院議員の数を各政党に所属する衆議院議員及び参議院議員の数を合算した数で除して得た数を乗じて得た額とする。
  - 3 各政党に対して交付すべき得票数割の額は、得票数割の総額の四分の一に相当する額に次に掲げる数をそれぞれ乗じて得た額を合計した額とする。
    - 一 前回の総選挙の小選挙区選出議員の選挙における当該政党の得票総数を当該選挙における

各政党の得票総数を合算した数で除して得た数

二 前回の総選挙の比例代表選出議員の選挙における当該政党の得票総数を当該選挙における各政党の得票総数を合算した数で除して得た数

三 次に掲げる数を合算した数の二分の一に相当する数

イ 前回の通常選挙の比例代表選出議員の選挙における当該政党の得票総数を当該選挙における各政党の得票総数を合算した数で除して得た数

ロ 前々回の通常選挙の比例代表選出議員の選挙における当該政党の得票総数を当該選挙における各政党の得票総数を合算した数で除して得た数

四 次に掲げる数を合算した数の二分の一に相当する数

イ 前回の通常選挙の選挙区選出議員の選挙における当該政党の得票総数を当該選挙における各政党の得票総数を合算した数で除して得た数

ロ 前々回の通常選挙の選挙区選出議員の選挙における当該政党の得票総数を当該選挙における各政党の得票総数を合算した数で除して得た数

第九条 その年分として各政党（その年分について第五条第一項の届出をしたものに限る。）に対して交付すべき政党交付金の額は、その年の基準日現在において前条の規定により算定した額（次項及び第二十七条第一項において「基準額」という。）とする。

2 前項の規定にかかわらず、同項の基準日の属する年において総選挙又は通常選挙が行われた場合においては、その年分として各政党（その年分について第五条第一項又は第六条第一項の届出をしたものに限る。以下この条において同じ。）に対して交付すべき政党交付金の額は、基準額にその年の一月から当該総選挙又は通常選挙に係る選挙基準日の属する月までの月数を乗じて得た額を十二で除して得た額（次項及び第二十七条第一項において「基準額の月割総額」という。）と、当該選挙基準日現在において算定された前条第一項の額（次項及び第二十七条第一項において「再算定額」という。）に当該選挙基準日の属する月の翌月からその年の十二月までの月数を乗じて得た額を十二で除して得た額とを合計した額とする。

3 前二項の規定にかかわらず、前項の選挙基準日の属する年において当該選挙基準日後に総選挙又は通常選挙が行われた場合においては、その年分として各政党に対して交付すべき政党交付金の額は、基準額の月割総額と、再算定額に当該再算定に係る選挙基準日の属する月の翌月から当該選挙基準日後に行われた総選挙又は通常選挙に係る選挙基準日（以下この条及び第二十七条第一項において「再々算定日」という。）の属する月までの月数を乗じて得た額を十二で除して得た額（第二十七条第一項において「再算定額の月割総額」という。）と、当該再々算定日現在において算定された前条第一項の額（第二十七条第一項において「再々算定額」という。）に当該再々算定日の属する月の翌月からその年の十二月までの月数を乗じて得た額を十二で除して得た額とを合計した額とする。

4 前三項の規定にかかわらず、再々算定日の属する年において当該再々算定日後に総選挙又は通常選挙が行われた場合においては、その年分として各政党に対して交付すべき政党交付金の額は、前項の規定の例により算定した額とする。

(政党交付金の交付の決定等)

第十条 総務大臣は、その年分として交付すべき政党交付金を計上する年度の国の予算が成立したときは、速やかに、前条の規定によりその年分として各政党に対して交付すべき政党交付金の額を算定し、当該政党交付金の交付の決定をしなければならない。

2 総務大臣は、前項の規定による決定の後、総選挙又は通常選挙が行われた場合においては、第六条第一項に定める届出の期限が経過した日以後、速やかに、前条の規定によりその年分として各政党に対して交付すべき政党交付金の額を再び算定し、その額が既にした決定に係る額と異なるときは当該決定を変更し、新たに政党交付金の交付を受けるべき政党があるときはその年分として当該政党に対して交付すべき政党交付金の交付の決定をしなければならない。

3 総務大臣は、前二項の規定により、政党交付金の交付の決定又はその変更をしたときは、速やかに、総務省令で定めるところにより、当該政党交付金の交付を受けるべき政党に対し、その年分として当該政党に対して交付すべき政党交付金の額を通知しなければならない。

4 総務大臣は、前項の通知をしたときは、政党交付金の交付を受けるべき政党の名称及びその年分として各政党に対して交付すべき政党交付金の額を告示しなければならない。

(政党交付金の交付時期等)

第十一条 各政党に対して交付すべき政党交付金は、総務省令で定めるところにより、四月にその年分として当該政党に対して交付すべき政党交付金の額の四分の一に相当する額を、七月にその年分として当該政党に対して交付すべき政党交付金の額からその年において既に当該政党に対して交付した政党交付金の額を控除した残額の三分の一に相当する額を、十月にその年分として当該政党に対して交付すべき政党交付金の額からその年において既に当該政党に対して交付した政党交付金の額を控除した残額の二分の一に相当する額を、十二月にその年分として当該政党に対して交付すべき政党交付金の額からその年において既に当該政党に対して交付した政党交付金の額を控除した残額を、それぞれ交付する。

2 政党は、前項の規定により政党交付金の交付を受けようとするときは、総務省令で定めるところにより、総務大臣に対し、請求書を提出しなければならない。この場合において、政党は、法人格付与法第四条第一項の規定による法人である政党である旨を証する登記事項証明書を添付しなければならない。

3 前項の請求書を同項の定めるところにより提出しない政党に対しては、その年分の政党交付金は、交付しない。ただし、その年の十二月の交付時期までに当該請求書の提出があった場合には、当該請求書に係る政党交付金については、総務省令で定めるところにより、交付する。

(交付手続の特例等)

第十二条 当該年分として交付すべき政党交付金を計上する年度の国の予算が成立しないこと等の事由により、前二条の規定により難い場合における政党交付金の交付手続、交付時期及び交付時期ごとに交付すべき額については、政令で定めるところにより、特例を設けることができる。

## (交付結果の公表)

第十三条 総務大臣は、毎年十二月三十一日現在で、総務省令で定めるところにより、その年分として交付した政党交付金の総額及び各政党に対して交付した政党交付金の額を、告示しなければならない。

## 第四章 政党交付金の使途の報告

### (政党交付金による支出の定義等)

第十四条 この章において「政党交付金による支出」とは、政党のする支出（政治資金規正法第四条第五項に規定する支出をいう。以下同じ。）のうち、政党交付金を充て又は政党基金（特定の目的のために政党交付金の一部を積み立てた積立金をいい、これに係る果実を含む。以下同じ。）を取り崩して充てるもの（借入金の返済及び貸付金の貸付けを除く。）をいい、支部政党交付金の支給を含み、支部政党交付金による支出を含まないものとする。

2 この章において「支部政党交付金」とは、政党の本部から支部（一以上の市町村（特別区を含む。）の区域（地方自治法（昭和二十二年法律第六十七号）第二百五十二条の十九第一項の指定都市の区の区域を含む。）又は公職選挙法（昭和二十五年法律第百号）第十二条に規定する選挙区の区域を単位として設けられるものに限る。以下同じ。）に対して支給される金銭等（政治資金規正法第四条第一項に規定する金銭等をいう。以下この項において同じ。）で政党交付金を充て又は政党基金を取り崩して充てるものをいい、一の支部から他の支部に対して支給される金銭等で支部政党交付金を充て又は支部基金（特定の目的のために支部政党交付金の一部を積み立てた積立金をいい、これに係る果実を含む。以下同じ。）を取り崩して充てるものを含むものとする。

3 この章において「支部政党交付金による支出」とは、政党の支部のする支出のうち、支部政党交付金を充て又は支部基金を取り崩して充てるもの（借入金の返済及び貸付金の貸付けを除く。）をいい、支部政党交付金の支給を含むものとする。

### (政党の会計帳簿の記載等)

第十五条 政党（その年において、政党交付金の交付を受け、若しくは政党交付金による支出をしたもの又は政党基金の残高を有するものに限る。）の会計責任者（会計責任者に事故があり、又は会計責任者が欠けた場合にあってはその職務を行うべき者とし、会計帳簿の記載に係る部分に限り、会計責任者の職務を補佐する者を含む。次条第一項において同じ。）は、政党交付金に係る収支の状況を明らかにするため、会計帳簿を備え、これに次に掲げる事項を記載しなければならない。

一 政党交付金については、その交付を受けた金額及び年月日

二 政党交付金による支出については、これを受けた者の氏名及び住所（その者が団体である場合には、その名称及び主たる事務所の所在地。第十七条第一項において同じ。）並びにその目的、金額及び年月日並びに当該政党交付金による支出に充てた政党交付金の金額又はこれに充てるため取り崩した政党基金の金額

三 政党基金については、その名称及び目的、積み立て又は取り崩した金額及び年月日、その運用により収受した果実の金額及び収受の年月日並びに残高

- 2 政党の会計責任者（会計責任者に事故があり、又は会計責任者が欠けた場合にあっては、その職務を行うべき者。次条第一項を除き、以下同じ。）は、一件五万円以上の政党交付金による支出をしたときは、その事実を証すべき目的、金額及び年月日を記載した領収書その他の書面（以下「領収書等」という。）を徴さなければならない。ただし、社会慣習その他の事情によりこれを徴し難いときは、この限りでない。
- 3 政党の会計責任者は、政党基金について、総務省令で定めるところにより、その残高を証する書面（以下「残高証明等」という。）を徴さなければならない。
- 4 政党の会計責任者は、第一項の会計帳簿、第二項の領収書等及び前項の残高証明等を、第三十一条の規定によりこれらに係る報告書の要旨が公表された日から五年を経過する日まで保存しなければならない。
- 5 政党の会計責任者は、その支部に対して支部政党交付金を支給するときは、併せて当該支部の会計責任者に対してその旨及び金額を通知しなければならない。

（政党の支部の会計帳簿の記載等）

第十六条 政党の支部（その年において、支部政党交付金の支給を受け、若しくは支部政党交付金による支出をしたもの又は支部基金の残高を有するものに限る。）の会計責任者は、支部政党交付金に係る収支の状況を明らかにするため、会計帳簿を備え、これに次に掲げる事項を記載しなければならない。

一 支部政党交付金については、その支給を受けた金額及び年月日

二 支部政党交付金による支出については、これを受けた者の氏名及び住所（その者が団体である場合には、その名称及び主たる事務所の所在地。第十八条第一項において同じ。）並びにその目的、金額及び年月日並びに当該支部政党交付金による支出に充てた支部政党交付金の金額又はこれに充てるため取り崩した支部基金の金額

三 支部基金については、その名称及び目的、積み立て又は取り崩した金額及び年月日、その運用により収受した果実の金額及び収受の年月日並びに残高

- 2 前条第二項から第五項までの規定は、政党の支部の会計責任者について準用する。この場合において、同条第二項中「政党交付金による支出」とあるのは「支部政党交付金による支出」と、同条第三項中「政党基金」とあるのは「支部基金」と、同条第四項中「第一項」とあるのは「次条第一項」と、「第二項」とあるのは「同条第二項において準用する第二項」と、「前項」とあるのは「同条第二項において準用する前項」と、「報告書」とあるのは「支部報告書」と、同条第五項中「その支部」とあるのは「当該政党の他の支部」と、「当該支部」とあるのは「当該他の支部」と読み替えるものとする。

（政党の報告書の提出等）

第十七条 第十五条第一項の政党の会計責任者（報告書の記載に係る部分に限り、会計責任者の

職務を補佐する者を含む。第二十八条第一項において同じ。)は、十二月三十一日現在で、当該政党のその年における次に掲げる事項(これらの事項がないときは、その旨)を記載した報告書を、同日の翌日から起算して三月以内(その間に総選挙又は通常選挙の公示の日から選挙の期日までの期間がかかる場合(第三十一条において「報告書の提出期限が延長される場合」という。)には、四月以内)に、総務大臣に提出しなければならない。

- 一 政党交付金については、その総額並びにその交付を受けた金額及び年月日
- 二 政党交付金による支出については、その総額及び総務省令で定める項目別の金額並びに当該項目ごとの政党交付金による支出に充てた政党交付金の金額又はこれに充てるため取り崩した政党基金の金額
- 三 政党交付金による支出のうち、人件費その他の総務省令で定める経費以外の経費に係るもので一件当たりの金額(数回にわたってされたときは、その合計金額)が五万円以上のものについては、これを受けた者の氏名及び住所並びにその目的、金額及び年月日並びに当該政党交付金による支出に充てた政党交付金の金額又はこれに充てるため取り崩した政党基金の金額
- 四 支部政党交付金については、その支給を受けた支部の名称並びに支給の目的、金額及び年月日
- 五 政党基金については、その名称及び目的、積み立て又は取り崩した金額及び年月日、その運用により収受した果実の金額及び収受の年月日並びに残高

2 政党の会計責任者は、前項の報告書を提出するときは、総務省令で定めるところにより、次に掲げる書面又は文書を併せて提出しなければならない。

- 一 前項第三号の政党交付金による支出に係る領収書等の写し(社会慣習その他の事情によりこれを徴し難いときは、その旨並びに当該政党交付金による支出の目的、金額及び年月日を記載した書面又は当該政党交付金による支出の目的を記載した書面並びに金融機関が作成した当該政党交付金による支出に係る振込みの明細書であって支出の金額及び年月日を記載したものの写し。第三十四条第一項並びに第四十四条第一項第一号及び第七号において「政党分領収書等の写し」という。)及び政党基金に係る残高証明等の写し
- 二 次条第一項の規定により提出を受けた支部報告書及び第十九条第五項において準用する同条第一項の規定により提出を受けた監査意見書並びに次条第二項の規定により提出を受けた支部報告書及び監査意見書(当該政党の支部について第二十条第二項の規定の適用がある場合には、同項の規定により提出を受けたこれらの文書を含む。)
- 三 前号に掲げる支部報告書に記載された事項を総務省令で定めるところにより集計した総括文書
- 四 前項の報告書及び第二号に掲げる支部報告書に記載された事項を総務省令で定めるところにより集計した総括文書

(政党の支部の支部報告書の提出等)

**第十八条** 第十六条第一項の支部の会計責任者(支部報告書の記載に係る部分に限り、会計責任者の職務を補佐する者を含む。第二十九条第一項において同じ。)は、総務省令で定めるところ

により、十二月三十一日現在で、当該支部のその年における次に掲げる事項（これらの事項がないときは、その旨）を記載した支部報告書を、同日の翌日から起算して二月以内（その間に総選挙又は通常選挙の公示の日から選挙の期日までの期間がかかる場合には、三月以内）に、当該支部に支部政党交付金の支給をした政党の会計責任者（当該支部が政党の他の支部から支部政党交付金の支給を受けた場合にあつては、当該他の支部の会計責任者とし、当該他の支部が総務省令で定める場合に該当するときは、総務省令で定める者とする。第二十条第二項において同じ。）に提出しなければならない。

- 一 支部政党交付金については、その総額並びにその支給を受けた金額及び年月日
  - 二 支部政党交付金による支出については、その総額及び総務省令で定める項目別の金額並びに当該項目ごとの支部政党交付金による支出に充てた支部政党交付金の金額又はこれに充てるため取り崩した支部基金の金額
  - 三 支部政党交付金による支出のうち、人件費その他の総務省令で定める経費以外の経費に係るもので一件当たりの金額（数回にわたってされたときは、その合計金額）が五万円以上のものについては、これを受けた者の氏名及び住所並びにその目的、金額及び年月日並びに当該支部政党交付金による支出に充てた支部政党交付金の金額又はこれに充てるため取り崩した支部基金の金額
  - 四 支給した支部政党交付金については、その支給を受けた支部の名称並びに支給の目的、金額及び年月日
  - 五 支部基金については、その名称及び目的、積み立て又は取り崩した金額及び年月日、その運用により収受した果実の金額及び収受の年月日並びに残高
- 2 政党の支部の会計責任者は、前項の支部報告書を提出するときは、総務省令で定めるところにより、次に掲げる書面又は文書を併せて提出しなければならない。
- 一 前項第三号の支部政党交付金による支出に係る領収書等の写し（社会慣習その他の事情によりこれを徴し難いときは、その旨並びに当該支部政党交付金による支出の目的、金額及び年月日を記載した書面又は当該支部政党交付金による支出の目的を記載した書面並びに金融機関が作成した当該支部政党交付金による支出に係る振込みの明細書であつて支出の金額及び年月日を記載したものの写し。第四十条の二第一項並びに第四十四条第一項第二号及び第七号において「支部分領収書等の写し」という。）及び支部基金に係る残高証明等の写し
  - 二 前項の規定により他の支部から提出を受けた支部報告書及び次条第五項において準用する同条第一項の規定により提出を受けた監査意見書（当該政党の他の支部について第二十条第二項の規定の適用がある場合には、同項の規定により提出を受けたこれらの文書を含む。）
  - 三 前号の規定を順次適用した場合において他の支部から提出を受けることとなる当該他の支部以外の支部の支部報告書及び監査意見書
  - 四 前二号に掲げる支部報告書に記載された事項を総務省令で定めるところにより集計した支部総括文書
- 3 政党の支部の会計責任者は、第一項の規定により支部報告書を提出したときは、当該提出した日の翌日から起算して七日以内に、同項の支部報告書及び前項第四号に掲げる支部総括文書を当該支部の主たる事務所の所在地の都道府県の選挙管理委員会に提出しなければならない。



(監査意見書等の添付)

**第十九条** 政党の会計責任者は、第十七条第一項の報告書を提出するときは、当該報告書に係る会計帳簿、領収書等及び残高証明等についての会計監査を行うべき者の監査意見を記載した監査意見書を当該報告書に併せて提出しなければならない。

2 政党の会計責任者は、第十七条第一項の報告書を提出するときは、同項各号に掲げる事項について公認会計士又は監査法人が総務省令で定めるところにより行った監査に基づき作成した監査報告書を当該報告書に併せて提出しなければならない。

3 前項の監査報告書を作成した公認会計士又は監査法人に係る公認会計士法（昭和二十三年法律第百三号）第三十二条第二項（同法第三十四条の十の十七第三項、第三十四条の二十一第四項、第三十四条の二十一の二第七項、第三十四条の二十九第四項及び第四十六条の十第二項において準用する場合を含む。）若しくは第三項（同法第三十四条の十の十七第三項、第三十四条の二十一第四項、第三十四条の二十一の二第七項及び第三十四条の二十九第四項において準用する場合を含む。）の規定による調査又は同法第三十四条の四十七から第三十四条の六十二までに定める手続については、同法第三十三条（同法第三十四条の十の十七第三項、第三十四条の二十一第四項、第三十四条の二十一の二第七項及び第三十四条の二十九第四項において準用する場合を含む。）の規定又は同法第三十四条の四十七、第三十四条の四十九第二項及び第三十四条の五十一の規定は、適用しない。

4 公認会計士又は監査法人が第二項の監査報告書を作成した場合においては、公認会計士法第四十九条の三第二項から第四項までの規定は、政党及び支部の事務所並びに当該監査報告書の作成に係る帳簿書類その他の物件については、適用しない。

5 第一項の規定は、第十六条第一項の支部の会計責任者が前条第一項又は第三項の支部報告書を提出する場合について準用する。この場合において、第一項中「会計監査を行うべき者」とあるのは、「当該支部において設けられた会計監査を行うべき者」と読み替えるものとする。

(支部報告書等の提出の特例)

**第二十条** 政党が第十五条第一項の政党に該当しない場合であっても、その支部から第十八条第一項若しくは第二項又は次項の規定により支部報告書の提出を受けたときは、当該政党の会計責任者は、第十七条第二項第二号から第四号までに掲げる文書を同条第一項に定める期限までに総務大臣に提出しなければならない。

2 政党の支部が第十六条第一項の支部に該当しない場合であっても、当該政党の他の支部から第十八条第一項又は第二項の規定により支部報告書の提出を受けたときは、当該支部の会計責任者は、同条第一項に定める期限までに同条第二項第二号から第四号までに掲げる文書を当該政党の会計責任者に提出するとともに、これらの文書を当該政党の会計責任者に提出した日の翌日から起算して七日以内に同項第四号に掲げる支部総括文書を同条第三項に規定する選挙管理委員会に提出しなければならない。政党の支部で第十六条第一項の支部に該当しないものが当該政党の他の支部からこの項の規定により支部報告書の提出を受けたときについても、同様とする。

## 第五章 政党の解散等に係る措置

### (政党が解散した場合等の届出)

第二十一条 政党（その年分について第五条第一項又は第六条第一項の届出をしたもの、第十五条第一項の政党に該当するもの及び第十六条第一項の支部をその支部とするものに限る。）が、解散し、若しくは目的の変更その他により政治団体でなくなり、又は第二条第一項各号のいずれにも該当しない政治団体となった場合は、当該政党の代表者であった者は、その日の翌日から起算して十五日以内（総選挙又は通常選挙が行われた場合において、総務省令で定める特別の事情があるときは、総務省令で定める期間内）に、その旨及び年月日並びに基因となった事実を届け出なければならない。

2 前項の規定による届出があったときは、総務大臣は、その旨を告示しなければならない。

### (政党が解散した場合等における政党交付金の交付)

第二十二条 政党（その年分について第五条第一項又は第六条第一項の届出をしたものに限る。第二十七条第一項において同じ。）が前条第一項に規定する場合に該当することとなった場合は、その年分として当該政党に対して交付すべき政党交付金は、交付しない。ただし、同項に規定する場合に該当することとなった日前に交付された政党交付金（次条及び第二十七条第一項において「既交付金」という。）については、この限りでない。

### (政党の合併等の場合における政党の届出及び政党交付金の交付)

第二十三条 二以上の政党（基準日又は選挙基準日のうち合併の日の直近のものに係る第五条第一項又は第六条第一項の届出（以下この項において「直近の届出」という。）をしたものに限る。以下この条において同じ。）が合併した場合において、その年分として当該合併により解散する政党（以下「合併解散政党」という。）に対して交付すべき政党交付金は、前条の規定にかかわらず、当該合併後に存続する政治団体で当該合併の日において第二条第一項各号のいずれかに該当するもの（直近の届出をしたものに限る。以下「存続政党」という。）又は当該合併により設立される政治団体で当該設立の日において同項各号のいずれかに該当するもの（以下「新設政党」という。）に対して交付する。この場合において、当該交付する額は、その年分として合併解散政党に対して交付すべき政党交付金の額から既交付金の額を控除した残額に相当する額とする。

2 二以上の政党が合併する場合において、合併後に存続する政治団体又は合併により設立される政治団体に係る第二条第一項第二号の規定の適用については、合併後に存続する政治団体にあつてはその得票総数に当該合併に係る合併解散政党の得票総数を加えた数を、合併により設立される政治団体にあつては当該合併に係る合併解散政党の得票総数を合算した数を、それぞれ当該政治団体の得票総数とみなす。

3 政党の分割が行われる場合において、その年分として当該分割により解散する政党（以下「分割解散政党」という。）に対して交付すべき政党交付金は、前条の規定にかかわらず、当該

分割により設立される政治団体で当該設立の日において第二条第一項第一号に該当するもの（以下「分割政党」という。）に対して交付する。この場合において、当該交付する額は、その年分として分割解散政党に対して交付すべき政党交付金の額から既交付金の額を控除した残額に相当する額に当該分割政党にその設立の日現在で所属する衆議院議員又は参議院議員のうち当該分割解散政党に当該解散の日現在で所属していたものの数（以下この項及び第二十五条において「所属議員数」という。）を乗じて得た額を当該分割に係る各分割政党（次項の届出をしたものに限る。）の所属議員数を合算した数で除して得た額とする。

4 存続政党若しくは新設政党又は分割政党は、第一項又は前項の規定により交付を受けるべき政党交付金（以下この条において「未交付金」という。）の交付を受けようとするときは、その合併の日又は分割政党の設立の日の翌日から起算して十五日以内（当該合併の日又は分割政党の設立の日の属する年の十二月の交付時期までの間に限る。）に、その旨、当該合併解散政党又は分割解散政党の名称、その年分として合併解散政党又は分割解散政党に対して交付されるべき政党交付金の額及び未交付金の額、当該合併の日又は分割政党の設立の日現在における第五条第一項各号（第六号を除く。）に掲げる事項その他総務省令で定める事項を総務大臣に届け出なければならない。

5 存続政党若しくは新設政党又は分割政党は、前項の届出をする場合には、第五条第二項各号に掲げる文書、存続政党及び合併解散政党の間で合意された合併に関する文書の写し（新設政党にあつては各合併解散政党間における合併に関する文書の写しとし、分割政党にあつては分割解散政党における分割に関する文書の写しとする。）その他総務省令で定める文書を併せて提出しなければならない。

6 総務大臣は、第四項の届出を受けたときは、当該届出の日（当該届出が第十条第一項に規定する予算の成立前にされたときは、当該予算の成立の日）後、速やかに、第一項又は第三項の規定により当該届出をした存続政党若しくは新設政党又は分割政党に係る未交付金の額を算定し、これを当該存続政党若しくは新設政党又は分割政党に対して交付する旨の決定をしなければならない。

7 第四項の届出に係る合併又は分割の後、その年において総選挙又は通常選挙があつた場合には、当該届出に係る存続政党若しくは新設政党又は分割政党に係る未交付金のうち、当該選挙に係る選挙基準日の属する月の翌月からその年の十二月までの期間に対応する額として政令で定める額は、第一項又は第三項の規定にかかわらず、交付しない。

8 第六条第三項の規定は存続政党が第四項の規定による届出又は第五項の規定による文書の提出をする場合について、第十条第三項及び第四項の規定は総務大臣が第六項の規定による決定をした場合について、それぞれ準用する。この場合において、第六条第三項中「同条第一項」とあるのは「前条第一項」と、「第一項並びに前項において準用する同条第二項及び第三項」とあるのは「第二十三条第四項及び第五項」と、第十条第三項中「当該政党交付金の交付」とあるのは「当該未交付金の交付」と、「その年分として当該政党に対して交付すべき政党交付金の額」とあるのは「当該未交付金の額」と、同条第四項中「前項」とあるのは「第二十三条第八項において準用する前項」と、「政党交付金の交付」とあるのは「未交付金の交付」と、「その年分として各政党に対して交付すべき政党交付金の額」とあるのは「当該未交付金の額」と読み替えるも

のとする。

- 9 新設政党又は分割政党が第四項の規定による届出及び第五項の規定による文書の提出をしたときは、その合併の日又は分割政党の設立の日現在において第五条第一項の規定による届出及び同条第二項の規定による文書の提出をしたものとみなして、同条第三項及び第四項、第六条第三項、第二十一条、前条並びに第二十七条の規定を適用する。

(合併に係る政党交付金の算定の特例等)

- 第二十四条 存続政党又は新設政党は、第五条第一項又は第六条第一項の規定により届出をするときは、当該合併に係る合併解散政党に係る第五条第一項第六号に掲げるそれぞれの得票総数その他総務省令で定める事項を併せて届け出なければならない。
- 2 前項の存続政党又は新設政党は、同項の規定による届出をする場合には、存続政党及び合併解散政党の間で合意された合併に関する文書の写し（新設政党にあつては、各合併解散政党間における合併に関する文書の写し）を併せて提出しなければならない。ただし、この項の規定により既に当該文書を提出した場合にあつては、この限りでない。
- 3 第五条第四項前段の規定は第一項の届出について準用する。この場合において、同条第四項前段中「同項各号に掲げる事項（同項第七号に掲げる事項については、支部の数とする。）」とあるのは、「第二十四条第一項の規定により届出のあった事項」と読み替えるものとする。
- 4 存続政党又は新設政党に係る第八条第三項各号の規定の適用については、存続政党にあつてはその得票総数に当該合併に係る合併解散政党の得票総数を加えた数を当該存続政党の得票総数とみなし、新設政党にあつては当該合併に係る合併解散政党の得票総数を合算した数を当該新設政党の得票総数とみなす。ただし、当該存続政党又は新設政党が第一項の届出をしない場合は、この限りでない。

(分割に係る政党交付金の算定の特例等)

- 第二十五条 分割政党は、第五条第一項又は第六条第一項の規定により届出をするときは、当該分割に係る分割解散政党に係る第五条第一項第六号に掲げるそれぞれの得票総数、当該分割政党の所属議員数及び当該分割に係る各分割政党の所属議員数を合算した数、当該分割政党の選挙時所属議員数（当該分割政党にその設立の日現在で所属する衆議院議員又は参議院議員のうち、当該分割解散政党に当該解散の日現在で所属していたものでその選出された総選挙又は通常選挙において当該分割解散政党に所属する候補者であったものの数をいう。以下この条において同じ。）及び当該分割に係る各分割政党の選挙時所属議員数を合算した数その他総務省令で定める事項を併せて届け出なければならない。
- 2 前項の分割政党は、同項の規定による届出をする場合には、分割解散政党における分割に関する文書の写しを併せて提出しなければならない。ただし、この項の規定により既に当該文書を提出した場合にあつては、この限りでない。
- 3 第五条第四項前段の規定は、第一項の届出について準用する。この場合において、同条第四項前段中「同項各号に掲げる事項（同項第七号に掲げる事項については、支部の数とする。）」

とあるのは、「第二十五条第一項の規定により届出のあった事項」と読み替えるものとする。

- 4 分割政党に係る第八条第三項各号の規定の適用については、当該分割に係る分割解散政党の得票総数に当該分割政党の選挙時所属議員数を乗じて得た数を当該分割に係る各分割政党（第一項の届出をしたものに限る。）の選挙時所属議員数を合算した数で除して得た数を、当該分割政党の得票総数とみなす。ただし、当該分割政党が第一項の届出をしない場合は、この限りでない。

（合併及び分割が併せて行われた場合等の措置）

- 第二十六条 前三条に定めるもののほか、合併及び分割が併せて行われた場合その他の場合における政党の届出、政党交付金の交付その他の措置に関し必要な事項については、政令で定める。

（政党でなくなった政治団体として存続する場合の措置）

- 第二十七条 政党が第二条第一項各号のいずれにも該当しない政治団体となった場合は、次の各号に掲げる場合の区分に応じ、当該各号に定める額の交付金（以下この条において「特定交付金」という。）を当該政治団体に対して交付する。

一 その年分として当該政党に対して交付すべき政党交付金の額が第九条第一項の規定により算定される場合 基準額にその年の一月から当該政党が第二条第一項各号の規定に該当しなくなった日（以下この項において「政党でなくなった日」という。）の属する月までの月数を乗じて得た額を十二で除して得た額から既交付金の額を控除した残額

二 その年分として当該政党に対して交付すべき政党交付金の額が第九条第二項の規定により算定される場合 基準額の月割総額と、再算定額に当該選挙基準日の属する月の翌月から当該政党でなくなった日の属する月までの月数を乗じて得た額を十二で除して得た額とを合計した額から既交付金の額を控除した残額

三 その年分として当該政党に対して交付すべき政党交付金の額が第九条第三項の規定により算定される場合 基準額の月割総額と、再算定額の月割総額と、再々算定額に当該再々算定日の属する月の翌月から当該政党でなくなった日の属する月までの月数を乗じて得た額を十二で除して得た額とを合計した額から既交付金の額を控除した残額

四 その年分として当該政党に対して交付すべき政党交付金の額が第九条第四項の規定により算定される場合 前号の規定の例により算定した額

- 2 前項の規定に該当する政治団体が、同項の規定により特定交付金の交付を受けようとする場合において、第二十一条第一項の規定による届出をするときは、その旨、前項の規定により当該政治団体に対して交付されるべき特定交付金の額、第五条第一項各号（第五号及び第六号を除く。）に掲げる事項その他総務省令で定める事項を併せて届け出なければならない。

- 3 第一項の規定に該当する政治団体は、前項の届出をする場合には、綱領その他当該政治団体の目的、基本政策等を記載した文書、党則、規約その他の当該政治団体の組織、管理運営等に関する事項を記載した文書及び総務省令で定める事項を記載した文書を併せて提出しなければならない。

- 4 第二項の届出があつた場合においては、当該届出があつた日後最初に到来する第十一条第一項の規定による政党交付金の交付時期に、第六項において準用する第十条第一項の規定により決定した額に相当する額の全額を交付する。
- 5 政党交付金の交付について第十二条の規定の適用がある場合における前項の規定の適用に関し必要な事項は、総務省令で定める。
- 6 第五条第四項前段の規定は第二項の届出について、第六条第三項の規定は第二項の規定による届出及び第三項の規定による文書の提出をする場合について、第十条（第二項を除く。）の規定は第二項の届出があつた場合について、第十一条第二項及び第三項の規定は第一項の規定に該当する政治団体が同項の規定に基づき特定交付金の交付を受けようとする場合について、第十三条の規定は第一項の政治団体に対して交付した特定交付金の額について、第二十一条及び第二十二条の規定は第二項の届出をした政治団体について、それぞれ準用する。この場合において、第五条第四項前段中「同項各号」とあるのは「第一項各号（第五号及び第六号を除く。）」と、「とする。）」とあるのは「とする。）及び第二十七条第二項の総務省令で定める事項」と、第六条第三項中「同条第一項」とあるのは「前条第一項」と、「第一項並びに前項において準用する同条第二項及び第三項」とあるのは「第二十七条第二項及び第三項」と、第十条第一項中「成立したときは」とあるのは「成立した日前に第二十七条第二項の届出があつた場合にあっては当該予算が成立した日後、当該成立した日以後に同項の届出があつた場合にあっては当該届出の日後」と、「前条」とあるのは「同条第一項」と、「その年分として各政党」とあるのは「同条第二項の届出をした政治団体」と、「政党交付金の額」とあるのは「特定交付金の額」と、「当該政党交付金の交付」とあるのは「当該特定交付金の交付」と、同条第三項中「前二項」とあるのは「第二十七条第六項において準用する第一項」と、「政党交付金の交付の決定又はその変更」とあるのは「特定交付金の交付の決定」と、「当該政党交付金の交付を受けるべき政党」とあるのは「当該特定交付金の交付を受けるべき政治団体」と、「その年分として当該政党に対して交付すべき政党交付金」とあるのは「当該特定交付金」と、同条第四項中「前項」とあるのは「第二十七条第六項において準用する前項」と、「政党交付金の交付を受けるべき政党」とあるのは「特定交付金の交付を受けるべき政治団体」と、「その年分として各政党に対して交付すべき政党交付金」とあるのは「当該政治団体に対して交付すべき特定交付金」と、第十一条第二項中「法人である政党」とあるのは「法人である政治団体」と、同条第三項中「提出しない政党」とあるのは「提出しない政治団体」と、「政党交付金」とあるのは「特定交付金」と、第二十一条第一項中「若しくは」とあるのは「又は」と、「なくなり、又は第二条第一項各号のいずれにも該当しない政治団体となった」とあるのは「なくなった」と、「当該政党」とあるのは「当該政治団体」と、第二十二条中「前条第一項」とあるのは「第二十七条第六項において準用する前条第一項」と、「当該政党」とあるのは「当該政治団体」と、「政党交付金は」とあるのは「特定交付金は」と、「政党交付金（次条及び第二十七条第一項において「既交付金」という。）」とあるのは「特定交付金」と読み替えるものとする。
- 7 第一項に規定する場合において同項に規定する政治団体が特定交付金の交付を受けたとき及び第十五条第一項の政党が第一項に規定する政治団体に該当することとなつた場合においては、当該政治団体を政党とみなし、当該特定交付金を政党交付金とみなして、前章及び次条から第三

十条までの規定（これらの規定に係る罰則を含む。）を適用する。

（解散等に係る報告書の提出の特例）

**第二十八条** 第十五条第一項の政党が解散し、又は目的の変更その他により政治団体でなくなった場合は、当該政党の会計責任者であった者は、総務省令で定めるところにより、その事実が生じた日現在で、第十七条第一項各号に掲げる事項（これらの事項がないときは、その旨。以下この項において同じ。）を記載した報告書（その年の前年における同条第一項各号に掲げる事項を記載した報告書が提出されていないときは、当該報告書を含む。）を総務大臣に提出しなければならない。

2 第十七条第二項及び第十九条第一項から第四項までの規定は、前項の報告書の提出をする場合について準用する。この場合において、第十七条第二項第二号中「次条第一項」とあるのは「第二十九条第一項」と、「第十九条第五項において準用する同条第一項」とあるのは「同条第四項において準用する第十九条第一項」と、「並びに次条第二項」とあるのは「（第二十九条第一項第一号に掲げる場合において提出を受けたこれらの文書に限る。）並びに第二十九条第三項において準用する次条第二項」と、「支部について第二十条第二項」とあるのは「支部の会計責任者であった者について第三十条第二項」と、同項第四号中「前項」とあるのは「第二十八条第一項」と読み替えるものとする。

（解散等に係る政党の支部報告書の提出の特例）

**第二十九条** 第十六条第一項の支部が次の各号のいずれかに該当することとなった場合には、当該支部の会計責任者であった者は、総務省令で定めるところにより、その事実が生じた日現在で、第十八条第一項各号に掲げる事項（これらの事項がないときは、その旨。以下この項において同じ。）を記載した支部報告書（その年の前年における同条第一項各号に掲げる事項を記載した支部報告書が提出されていないときは、当該支部報告書を含む。）を次の各号に掲げる場合の区分に応じ、当該各号に定める者に提出しなければならない。

一 当該支部をその支部とする政党が解散し、又は目的の変更その他により政治団体でなくなった場合 当該支部に支部政党交付金（第十四条第二項に規定する支部政党交付金をいう。以下この項において同じ。）の支給をした政党の会計責任者であった者（当該支部が政党の他の支部から支部政党交付金の支給を受けた場合にあつては、当該他の支部の会計責任者であった者とし、当該他の支部が総務省令で定める場合に該当するときは、総務省令で定める者とする。次条第二項において同じ。）

二 当該支部が解散した場合その他総務省令で定める場合（前号に掲げる場合に該当する場合を除く。） 当該支部に支部政党交付金の支給をした政党の会計責任者（当該支部が政党の他の支部から支部政党交付金の支給を受けた場合にあつては、当該政党及び当該他の支部の会計責任者）

2 前項第二号に掲げる場合において、同項の支部報告書の提出を受けた政党の会計責任者は、総務省令で定めるところにより、当該支部報告書及び第四項において準用する第十九条第一項の

規定により提出を受けた監査意見書を総務大臣に提出しなければならない。

- 3 第十八条第二項及び第三項の規定は、第一項の支部報告書を提出する場合について準用する。この場合において、同条第二項中「書面又は文書」とあるのは「書面又は文書（第二十九条第一項第二号に掲げる場合にあつては、第一号に掲げる書面）」と、同項第二号中「前項」とあるのは「第二十九条第一項」と、「次条第五項において準用する同条第一項」とあるのは「同条第四項において準用する第十九条第一項」と、「当該政党の他の支部について第二十条第二項」とあるのは「第二十九条第一項第一号に掲げる場合において提出を受けたこれらの文書に限るものとし、当該政党の他の支部の会計責任者であつた者について第三十条第二項」と読み替えるものとする。
- 4 第十九条第一項の規定は、第一項又は前項において準用する第十八条第三項の支部報告書を提出する場合について準用する。この場合において、第十九条第一項中「会計監査を行うべき者」とあるのは、「当該支部において設けられた会計監査を行うべき者」と読み替えるものとする。

第三十条 前条第一項第一号に掲げる場合において、政党が第十五条第一項の政党に該当していなかつた場合であっても、その支部の会計責任者であつた者から前条第一項、同条第三項において準用する第十八条第二項又は次項の規定により支部報告書の提出を受けたときは、当該政党の会計責任者であつた者は、総務省令で定めるところにより、第二十八条第二項において準用する第十七条第二項第二号から第四号までに掲げる文書を総務大臣に提出しなければならない。

- 2 前条第一項第一号に掲げる場合において、政党の支部が第十六条第一項の支部に該当していなかつた場合であっても、当該政党の他の支部の会計責任者であつた者から前条第一項又は同条第三項において準用する第十八条第二項の規定により支部報告書の提出を受けたときは、当該支部の会計責任者であつた者は、総務省令で定めるところにより、前条第三項において準用する第十八条第二項第二号から第四号までに掲げる文書を当該政党の会計責任者であつた者に提出するとともに、これらの文書を当該政党の会計責任者であつた者に提出した日の翌日から起算して七日以内に前条第三項において準用する第十八条第二項第四号に掲げる支部総括文書を前条第三項において準用する第十八条第三項に規定する選挙管理委員会に提出しなければならない。政党の支部で第十六条第一項の支部に該当していなかつたものの会計責任者であつた者が当該政党の他の支部の会計責任者であつた者からこの項の規定により支部報告書の提出を受けたときについても、同様とする。

## 第六章 報告書等の公表

(報告書等の要旨の公表)

第三十一条 総務大臣は、定期報告文書（第十七条第一項の報告書並びに同条第二項の支部報告書及び総括文書（第二十条第一項の規定により提出すべきこれらの文書を含む。）をいう。以下この条及び第三十二条の二第一項において同じ。）又は解散等報告文書（第二十八条第一項の報告書並びに同条第二項において準用する第十七条第二項又は第二十九条第二項の支部報告書及び



総括文書（前条第一項の規定により提出すべきこれらの文書を含む。）をいう。第三十二条の二第一項において同じ。）を受理したときは、総務省令で定めるところにより、官報により、その要旨を公表しなければならない。この場合において、定期報告文書については、報告書の提出期限が延長される場合その他特別の事情がある場合を除き、当該定期報告文書が提出された年の九月三十日までに公表するものとする。

#### （報告書等の保存及び閲覧）

第三十二条 総務大臣は、第五条第一項、同条第三項（第六条第二項において準用する場合を含む。）、第六条第一項、第二十一条第一項（第二十七条第六項において準用する場合を含む。）、第二十三条第四項、第二十四条第一項、第二十五条第一項又は第二十七条第二項の規定による届出書及びこれらに併せて提出すべき文書をこれらの規定による届出に係る告示をした日から五年を経過する日まで保存しなければならない。

2 総務大臣は、第十七条第一項又は第二十八条第一項の報告書、第十七条第二項（第二十八条第二項において準用する場合を含む。）又は第二十九条第二項の支部報告書、監査意見書及び総括文書（第二十条第一項又は第三十条第一項の規定により提出すべきこれらの文書を含む。）、第十九条第一項（第二十八条第二項において準用する場合を含む。）の監査意見書並びに第十九条第二項（第二十八条第二項において準用する場合を含む。）の監査報告書を、前条の規定による要旨の公表をした日から五年を経過する日まで保存しなければならない。

3 都道府県の選挙管理委員会は、第十八条第三項（第二十九条第三項において準用する場合を含む。）の支部報告書及び支部総括文書（第二十条第二項又は第三十条第二項の規定により提出すべきこれらの文書を含む。）並びに第十九条第五項及び第二十九条第四項において準用する第十九条第一項の監査意見書（第五項、次条第三項及び第三十八条において「都道府県提出文書」という。）を、総務大臣が前条の規定による要旨の公表をした日から五年を経過する日まで保存しなければならない。

4 何人も、第一項に規定する告示をした日又は第二項に規定する要旨の公表をした日から五年間、総務大臣に対し、総務省令で定めるところにより、第一項に規定する届出書若しくはこれ併せて提出すべき文書又は第二項に規定する報告書、支部報告書、総括文書、監査意見書若しくは監査報告書の閲覧を請求することができる。

5 何人も、第二項に規定する要旨の公表をした日から五年間、都道府県の選挙管理委員会に対し、当該選挙管理委員会の定めるところにより、当該要旨の公表に係る都道府県提出文書の閲覧を請求することができる。

#### （報告書等に係る情報の公開）

第三十二条の二 定期報告文書若しくは解散等報告文書又はこれらに併せて提出すべき書面若しくは文書で第三十一条の規定により当該定期報告文書又は解散等報告文書の要旨が公表されるものに関する行政機関の保有する情報の公開に関する法律（平成十一年法律第四十二号）第九条の規定による開示の請求があった場合においては、当該要旨が公表される日前は同法第九

第一項の決定を行わない。

- 2 前項に規定する開示の請求があつた場合における行政機関の保有する情報の公開に関する法律の規定の適用については、同法第十条第一項中「開示請求があつた日から三十日以内」とあるのは「政党助成法（平成六年法律第五号）第三十一条の規定により要旨が公表された日から同日後三十日を経過する日までの間」と、同法第十一条中「開示請求があつた日から六十日以内」とあるのは「政党助成法第三十一条の規定により要旨が公表された日から同日後六十日を経過する日までの間」とする。
- 3 都道府県は、第一項の規定の例により、都道府県提出文書に係る情報の開示を行うものとする。

## 第七章 政党交付金の返還等

第三十三条 総務大臣は、政党（第二十七条第一項の規定に該当する政治団体を含む。第三項及び第四項を除き、以下この条、次条及び第四十条において同じ。）がこの法律の規定に違反して政党交付金（第二十七条第一項に規定する特定交付金を含む。第三項を除き、以下この条、次条及び第四十条において同じ。）の交付の決定（既にされた決定の変更を含む。）を受けたものである場合には、政令で定めるところにより、当該政党が政党交付金の全部又は一部の交付を受けていないときにあつてはその政党交付金の全部又は一部の交付を停止し、当該政党が政党交付金の全部又は一部の交付を受けているときにあつては当該政党（当該政党が解散し、又は目的の変更その他により政治団体でなくなった場合にあつては、その代表者であつた者とする。）に対し期限を定めてその交付を受けた政党交付金の全部又は一部の返還を命ずることができる。

- 2 総務大臣は、政党交付金の交付を受けた政党が次の各号のいずれかに該当することとなつたときは、総務省令で定めるところにより、当該政党（当該政党が解散し、又は目的の変更その他により政治団体でなくなった場合にあつては、その代表者であつた者とする。第六項、第八項及び第九項において同じ。）に対し、期限を定めて、当該各号に掲げる場合の区分に応じ、当該各号に定める額に相当する額の政党交付金の返還を命ずることができる。

一 当該政党がその年において交付を受けた政党交付金の総額（その年の十二月三十一日における政党基金の残高がその年の前年の十二月三十一日における政党基金の残高を下回る場合には、当該下回る額を加算した額とする。）から、当該政党がその年においてした政党交付金による支出（第十四条第一項に規定する政党交付金による支出をいう。以下この条において同じ。）の総額（その年の十二月三十一日における政党基金の残高がその年の前年の十二月三十一日における政党基金の残高を上回る場合には、当該上回る額を加算した額とする。）を控除して残余がある場合 当該残額

二 当該政党の支部がその年において支給を受けた支部政党交付金（第十四条第二項に規定する支部政党交付金をいう。以下この条において同じ。）の総額（その年の十二月三十一日における支部基金の残高がその年の前年の十二月三十一日における支部基金の残高を下回る場合には、当該下回る額を加算した額とする。）から、当該政党の支部がその年においてした支部政党交付金による支出（第十四条第三項に規定する支部政党交付金による支出をいう。以下この

条において同じ。)の総額(その年の十二月三十一日における支部基金の残高がその年の前年の十二月三十一日における支部基金の残高を上回る場合には、当該上回る額を加算した額とする。)を控除して残余がある場合 この号に該当するすべての支部に係る当該残額の合計額

三 当該政党が解散(第二十三条第一項に規定する二以上の政党の合併又は同条第三項に規定する政党の分割によるものを除く。以下この項において同じ。)をし、又は目的の変更その他により政治団体でなくなった場合において、その年の一月一日から第二十一条第一項の届出をした日までに交付を受けた政党交付金の総額(当該届出をした日(届出がないときは、その年の十二月三十一日。以下この号において同じ。))における政党基金の残高がその年の前年の十二月三十一日における政党基金の残高を下回る場合には、当該下回る額を加算した額とする。)から、当該政党がその年の一月一日から当該解散をし又は目的の変更その他により政治団体でなくなった日(以下この項において「解散等の日」という。)までにした政党交付金による支出の総額(当該解散等の日における政党基金の残高がその年の前年の十二月三十一日における政党基金の残高を上回る場合には、当該上回る額を加算した額とする。)を控除して残余があるとき 当該残額及び当該届出をした日における政党基金の残高の合計額

四 当該政党が解散をし、若しくは目的の変更その他により政治団体でなくなった場合又は第二十九条第一項第二号に掲げる場合において、当該政党の支部がその年の一月一日から第二十一条第一項の届出があつた日(同号に掲げる場合にあつては、総務省令で定める日。以下この号において同じ。)までに支給を受けた支部政党交付金の総額(当該届出があつた日(届出がないときは、その年の十二月三十一日。以下この号において同じ。))における支部基金の残高がその年の前年の十二月三十一日における支部基金の残高を下回る場合には、当該下回る額を加算した額とする。)から、当該支部がその年の一月一日から当該解散等の日(第二十九条第一項第二号に掲げる場合にあつては、その事実があつた日。以下この号において同じ。)までにした支部政党交付金による支出の総額(当該解散等の日における支部基金の残高がその年の前年の十二月三十一日における支部基金の残高を上回る場合には、当該上回る額を加算した額とする。)を控除して残余があるとき この号に該当するすべての支部に係る当該残額及び当該届出があつた日における支部基金の残高の合計額

3 合併解散政党若しくは分割解散政党又はこれらの政党の支部がその年において当該合併又は分割による解散の日までに交付又は支給を受けた政党交付金及び支部政党交付金で当該解散の日までに政党交付金による支出又は支部政党交付金による支出に充てていないもの(政党基金又は支部基金として積み立てられたものを除く。以下この項において同じ。)並びにこれらの政党又はその支部が当該解散の日において有していた政党基金及び支部基金を引き継いだ当該合併に係る存続政党若しくは新設政党又は当該分割に係る分割政党(以下この条において「存続政党等」という。)は、総務省令で定めるところにより、その旨を総務大臣に届け出なければならない。この場合において、当該政党交付金及び支部政党交付金は当該合併又は分割の日に当該存続政党等に対し政党交付金として交付されたものとみなし、当該政党基金及び支部基金は当該合併又は分割の日に当該存続政党等に対し政党交付金として交付され、かつ、その日に政党基金として積み立てられたものとみなして、第四章、第二十八条から第三十条まで並びに第一項及び第二項の規定(これらの規定に係る罰則を含む。)を適用する。

- 4 存続政党等が前項の届出をしない場合には、当該合併又は分割は、第二十三条第一項に規定する二以上の政党の合併又は同条第三項に規定する政党の分割でないものとみなして、第二項第三号及び第四号の規定を適用する。
- 5 第二十一条第二項の規定は第三項の届出について、第三十二条第一項及び第四項の規定は当該届出に係る届出書について、それぞれ準用する。
- 6 総務大臣は、第一項又は第二項の規定により、政党交付金の交付を停止し、又は政党交付金の返還を命ずるときは、当該政党に対して、理由を示してその旨及び当該停止に係る政党交付金の額又は返還すべき政党交付金の額を通知しなければならない。
- 7 総務大臣は、前項の通知をしたときは、総務省令で定めるところにより、その旨、当該政党の名称及び当該停止に係る政党交付金の額又は返還すべき政党交付金の額を告示しなければならない。
- 8 第一項の規定により政党交付金の返還を命ぜられた政党は、政令で定めるところにより、その返還すべき政党交付金の受領の日から納期日までの日数に応じ、当該政党交付金の額（その一部を納付した場合におけるその後の期間については、既納額を控除した額）につき年十四・六パーセントの割合で計算した加算金を国に納付しなければならない。
- 9 第一項又は第二項の規定により政党交付金の返還を命ぜられた政党が納期日までにこれを納付しなかったときは、政令で定めるところにより、納期日の翌日から納付の日までの日数に応じ、その未納額につき年十四・六パーセントの割合で計算した延滞金を国に納付しなければならない。
- 10 総務大臣は、第一項、第二項及び前二項の場合において、政令で定めるところにより、その年分として交付すべき政党交付金のうち交付していないもの又はその年の翌年以後に交付すべき政党交付金の額から、返還を命ぜられた政党交付金又は加算金若しくは延滞金の額を控除することができる。
- 11 第六項の規定は、総務大臣が前項の規定による控除をする場合について準用する。この場合において、第六項中「当該停止に係る政党交付金の額又は返還すべき政党交付金の額」とあるのは、「当該控除した政党交付金又は加算金若しくは延滞金の額」と読み替えるものとする。
- 12 第一項の規定により返還すべき政党交付金又はこれに係る加算金若しくは延滞金は、国税滞納処分の例により、徴収することができる。この場合において、当該政党交付金又はこれに係る加算金若しくは延滞金の先取特権の順位は、国税及び地方税に次ぐものとする。

**第三十四条** 総務大臣は、第五条第一項、第六条第一項、第二十三条第四項又は第二十七条第二項の規定による届出をした政党が当該届出をした日の属する年において提出すべき第十七条第一項の報告書、同条第二項の政党分領収書等の写し若しくは残高証明等の写し、支部報告書、監査意見書若しくは総括文書（第二十条第一項の規定により提出すべきこれらの文書を含む。）、第十九条第一項の監査意見書又は同条第二項の監査報告書（以下この項において「報告書等」という。）を提出しないときは、総務省令で定めるところにより、当該報告書等の提出があるまで、その年分として当該政党に対して交付すべき政党交付金の全部又は一部の交付を停止することができる。

できる。

- 2 前条第六項及び第七項の規定は、総務大臣が前項の規定により同項に規定する交付を停止する場合について準用する。この場合において、同条第六項及び第七項中「当該停止に係る政党交付金の額又は返還すべき政党交付金の額」とあるのは、「当該停止に係る政党交付金の額」と読み替えるものとする。

## 第八章 雑則

(報告書等の真実性の確保のための措置)

- 第三十五条 第十七条第一項若しくは第二十八条第一項の規定により報告書を提出し、又は第十八条第一項、同条第三項（第二十九条第三項において準用する場合を含む。）若しくは第二十九条第一項の規定により支部報告書を提出する者は、これらにそれぞれ真実の記載がされていることを誓う旨の文書を添付しなければならない。

## 第三十六条 削除

(届出書類等の説明聴取等)

- 第三十七条 総務大臣又は都道府県の選挙管理委員会は、この法律の規定により提出された届出書類、報告書、支部報告書若しくはこれらに併せて提出すべき書面若しくは文書（以下この条において「届出書類等」という。）に形式上の不備があり、又はこれらに記載すべき事項の記載が不十分であると認めるときは、当該届出書類等を提出した者に対して、説明を求め、又は当該届出書類等の訂正を命ずることができる。

(政党交付金に関する事務に係る財政上の措置)

- 第三十八条 国は、都道府県提出文書の保存及び閲覧のための経費について財政上必要な措置を講ずるものとする。

(民間事業者等が行う書面の保存等における情報通信の技術の利用に関する法律の適用除外)

- 第三十八条の二 第十五条第四項（第十六条第二項において準用する場合を含む。）の規定により保存すべき書類については、民間事業者等が行う書面の保存等における情報通信の技術の利用に関する法律（平成十六年法律第百四十九号）第三条及び第四条の規定は、適用しない。

(行政不服審査法による不服申立ての制限)

- 第三十九条 この法律の規定による処分その他公権力の行使に当たる行為については、行政不服審査法（昭和三十七年法律第百六十号）による不服申立てをすることができない。

(端数計算)

**第四十条** この法律の規定により毎年分として各政党に対して交付すべき政党交付金の額を算定する場合において、千円未満の端数があるときは、その端数金額を切り捨てる。

(電磁的記録又は電磁的方法による提出)

**第四十条の二** 第十八条第一項若しくは第二十九条第一項の支部報告書、第十八条第二項(第二十九条第三項において準用する場合を含む。)の支部分領収書等の写し若しくは残高証明等の写し、支部報告書若しくは支部総括文書(第二十条第二項又は第三十条第二項の規定により提出すべきこれらの文書を含む。)、第十九条第五項及び第二十九条第四項において準用する第十九条第一項の監査意見書又は第三十五条の文書の提出については、総務省令で定めるところにより、当該文書又は書面の提出に代えて電磁的記録(電子的方式、磁気的方式その他人の知覚によっては認識することができない方式で作られる記録であって、電子計算機による情報処理の用に供されるものとして総務省令で定めるものをいう。)の提出又は電磁的方法(電子情報処理組織を使用する方法その他の情報通信の技術を利用する方法であって総務省令で定めるものをいう。次項において同じ。)をもって行うことができる。この場合においては、当該文書又は書面により提出が行われたものとみなす。

2 前項の規定により、文書又は書面の提出が電磁的方法により行われたときは、政党の会計責任者又は政党の会計責任者であった者の使用に係る電子計算機に備えられたファイルへの記録がされた時に当該政党の会計責任者又は政党の会計責任者であった者に到達したものとみなす。

(政令への委任)

**第四十一条** この法律を適用する場合における衆議院議員又は参議院議員の数及び総選挙又は通常選挙に係る得票総数の算定に関し必要な事項は、政令で定める。

2 前項に定めるもののほか、この法律の実施のための手続その他その執行に関し必要な事項は、政令で定める。

(総務省令への委任)

**第四十二条** この法律の規定による届出書、会計帳簿、報告書、総括文書、支部報告書、支部総括文書、監査意見書、監査報告書その他の書類の様式、記載要領その他の必要な事項は、総務省令で定める。

(事務の区分)

**第四十二条の二** 第十八条第三項(第二十九条第三項(第二十七条第七項において適用する場合を含む。))において準用し、及び第二十七条第七項において適用する場合を含む。)、第二十条第二項及び第三十条第二項(これらの規定を第二十七条第七項において適用する場合を含む。)、第三十二条第三項及び第五項並びに第三十七条の規定により都道府県が処理することと

されている事務は、地方自治法第二条第九項第一号に規定する第一号法定受託事務とする。

## 第九章 罰則

**第四十三条** 政党（政治団体を含む。以下この条及び第四十八条において同じ。）が偽りその他不正な行為により、政党交付金（第二十七条第一項に規定する特定交付金を含む。）の交付を受けたときは、当該政党の役職員又は構成員として当該行為をした者は、五年以下の懲役若しくは二百五十万円以下の罰金に処し、又はこれを併科する。

**第四十四条** 次の各号の一に該当する者は、五年以下の禁錮若しくは百万円以下の罰金に処し、又はこれを併科する。

- 一 第十七条第一項若しくは第二十八条第一項の規定に違反して報告書の提出をせず、又は第十七条第二項（第二十八条第二項において準用する場合を含む。）、第二十条第一項、第二十九条第二項若しくは第三十条第一項の規定に違反して政党分領収書等の写し若しくは残高証明等の写し、支部報告書、監査意見書若しくは総括文書の提出をしなかった者
- 二 第十八条第一項、同条第三項（第二十九条第三項において準用する場合を含む。）若しくは第二十九条第一項の規定に違反して支部報告書の提出をせず、又は第十八条第二項若しくは第三項（これらの規定を第二十九条第三項において準用する場合を含む。）、第二十条第二項若しくは第三十条第二項の規定に違反して支部分領収書等の写し若しくは残高証明等の写し、他の支部から提出を受けた支部報告書若しくは監査意見書若しくは支部総括文書の提出をしなかった者
- 三 第十九条第一項（第二十八条第二項において準用する場合を含む。）の規定に違反して監査意見書を提出せず、又は第十九条第二項（第二十八条第二項において準用する場合を含む。）の規定に違反して監査報告書を提出しなかった者
- 四 第十九条第五項及び第二十九条第四項において準用する第十九条第一項の規定に違反して監査意見書の提出をしなかった者
- 五 第十七条第一項若しくは第二十八条第一項の規定による報告書又は第十七条第二項（第二十八条第二項において準用する場合を含む。）の規定による総括文書（第二十条第一項又は第三十条第一項の規定により提出すべきものを含む。）に記載すべき事項の記載をしなかった者
- 六 第十八条第一項、同条第三項（第二十九条第三項において準用する場合を含む。）若しくは第二十九条第一項の規定による支部報告書又は第十八条第二項若しくは第三項（これらの規定を第二十九条第三項において準用する場合を含む。）の規定による支部総括文書（第二十条第二項又は第三十条第二項の規定により提出すべきものを含む。）に記載すべき事項の記載をしなかった者
- 七 第十七条第一項若しくは第二十八条第一項の報告書、第十七条第二項（第二十八条第二項において準用する場合を含む。）の政党分領収書等の写し若しくは残高証明等の写し、支部報告書若しくは総括文書（第二十条第一項又は第三十条第一項の規定により提出すべきこれらの文書を含む。）、第十八条第一項、同条第三項（第二十九条第三項において準用する場合を

む。)若しくは第二十九条第一項若しくは第二項の支部報告書、第十八条第二項(第二十九条第三項において準用する場合を含む。)の支部分領収書等の写し若しくは残高証明等の写し、支部報告書若しくは支部総括文書(第二十条第二項又は第三十条第二項の規定により提出すべきこれらの文書を含む。)又は第十八条第三項(第二十九条第三項において準用する場合を含む。)の支部総括文書に虚偽の記入をした者

- 2 前項の場合において、政党又はその支部の代表者が当該政党又はその支部の会計責任者の選任及び監督について相当の注意を怠ったときは、五十万円以下の罰金に処する。

**第四十五条** 次の各号の一に該当する者は、三年以下の禁錮若しくは五十万円以下の罰金に処し、又はこれを併科する。

一 第十五条第一項の規定に違反して、会計帳簿を備えず、若しくはこれに記載すべき事項を記載せず、同条第二項の規定に違反して領収書等を徴せず、同条第三項の規定に違反して残高証明等を徴せず、同条第四項の規定に違反して会計帳簿、領収書等若しくは残高証明等を保存せず、又は同条第五項の規定に違反して通知をしなかった者

二 第十六条第一項の規定に違反して、会計帳簿を備えず、若しくはこれに記載すべき事項を記載せず、同条第二項において準用する第十五条第二項の規定に違反して領収書等を徴せず、第十六条第二項において準用する第十五条第三項の規定に違反して残高証明等を徴せず、第十六条第二項において準用する第十五条第四項の規定に違反して会計帳簿、領収書等若しくは残高証明等を保存せず、又は第十六条第二項において準用する第十五条第五項の規定に違反して通知をしなかった者

三 第十五条第一項若しくは第十六条第一項の会計帳簿、第十五条第二項(第十六条第二項において準用する場合を含む。)の領収書等若しくは第十五条第三項(第十六条第二項において準用する場合を含む。)の残高証明等に虚偽の記入をし、又は虚偽の第十五条第五項(第十六条第二項において準用する場合を含む。)の通知をした者

四 第三十七条の規定により求められた説明を拒み、若しくは虚偽の説明をし、又は同条の規定による命令に違反して同条の届出書類等の訂正を拒み、若しくはこれらに虚偽の訂正をした者

**第四十六条** 第十九条第一項(同条第五項、第二十八条第二項及び第二十九条第四項において準用する場合を含む。)の監査意見書又は第十九条第二項(第二十八条第二項において準用する場合を含む。)の監査報告書に虚偽の記載をした者は、三十万円以下の罰金に処する。

**第四十七条** 重大な過失により、第四十四条第一項又は第四十五条の違反行為をした者は、当該各条の刑を科する。ただし、情状により、その刑を減輕することができる。

**第四十八条** 政党の役職員又は構成員が、第四十三条の違反行為をしたときは、その行為者を罰



するほか、当該政党に対し同条の罰金刑を科する。

2 監査法人の社員が、その監査法人の業務に関し、第四十六条の違反行為をしたときは、その行為者を罰するほか、当該監査法人に対し同条の罰金刑を科する。

3 第一項の規定により第四十三条の違反行為につき政党に罰金刑を科する場合における時効の期間は、同条の罪についての時効の期間による。

4 政党について第一項の規定の適用がある場合においては、その代表者が訴訟行為につき政党を代表するほか、法人を被告人又は被疑者とする場合の刑事訴訟に関する法律の規定を準用する。

## 附 則 抄

### (施行期日)

第一条 この法律は、公職選挙法の一部を改正する法律（平成六年法律第二号）の施行の日の属する年の翌年の一月一日から施行する。

### (経過措置)

第二条 この法律の施行の日（以下「施行日」という。）から公職選挙法の一部を改正する法律による改正後の公職選挙法の施行の日以後初めてその選挙の期日を公示される総選挙（附則第四条において「新公職選挙法による総選挙」という。）の期日までの間におけるこの法律の適用については、第二条第一項第二号中「衆議院議員の総選挙（以下単に「総選挙」という。）における小選挙区選出議員の選挙若しくは比例代表選出議員の選挙」とあるのは「衆議院議員の総選挙（以下単に「総選挙」という。）」と、第三条第二項中「総選挙の小選挙区選出議員の選挙及び比例代表選出議員の選挙」とあるのは「総選挙」と、第五条第一項第五号中「衆議院の小選挙区選出議員若しくは比例代表選出議員」とあるのは「衆議院議員」と、同項第六号中「次に掲げる得票総数」とあるのは「次に掲げる得票総数（口に掲げるものを除く。）」と、同号イ中「総選挙（以下この号及び第八条第三項において「前回の総選挙」という。）の小選挙区選出議員の選挙」とあるのは「総選挙（第八条第三項において「前回の総選挙」という。）」と、第八条第三項中「総額の四分の一に相当する額に次に掲げる数をそれぞれ乗じて得た額」とあるのは「総額の二分の一に相当する額に第一号の数を乗じて得た額と、当該総額の四分の一に相当する額に第三号及び第四号の数をそれぞれ乗じて得た額」と、同項第一号中「総選挙の小選挙区選出議員の選挙」とあるのは「総選挙」とする。

第三条 施行日の属する年における第五条第一項第八号の規定の適用については、同号中「供与された交付金の総額」とあるのは、「供与された交付金の総額（前年中に同法第十七条第一項に規定する報告書を提出した本部又は支部については、同項の規定により報告した収入のうち前年において当該政党の本部又は支部から供与された交付金の総額）」とする。

**第四条** 施行日の直近において行われた通常選挙の直近において行われた通常選挙後、施行日の前日までの間（以下この条において「特定期間」という。）において二以上の政党要件を満たす政治団体が合併した場合については、当該合併に係る存続政党に相当する政治団体又は新設政党に相当する政治団体が施行日の翌日から起算して十五日以内に自治省令で定めるところにより届出をしたときは、当該合併により解散する政党要件を満たす政治団体を合併解散政党と、当該存続政党に相当する政治団体又は新設政党に相当する政治団体を存続政党又は新設政党とみなして、第二十四条の規定を適用する。

- 2 特定期間において二以上の政党要件を満たす政治団体が合併した場合には、当該合併に係る存続政党に相当する政治団体又は新設政党に相当する政治団体（前項の届出をしたものに限る。以下この項において同じ。）に係る第二条第一項第二号の規定の適用については、存続政党に相当する政治団体にあつてはその得票総数に当該合併により解散した政党要件を満たす政治団体の得票総数を加えた数を、新設政党に相当する政治団体にあつては当該合併により解散した政党要件を満たす政治団体の得票総数を合算した数を、それぞれ当該政治団体の得票総数とみなす。
- 3 特定期間において政党要件を満たす政治団体の分割が行われた場合については、当該分割に係る分割政党に相当する政治団体が施行日の翌日から起算して十五日以内に自治省令で定めるところにより届出をしたときは、当該分割により解散する政党要件を満たす政治団体を分割解散政党と、当該分割政党に相当する政治団体を分割政党とみなして、第二十五条の規定を適用する。
- 4 前三項において、次の各号に掲げる用語の意義は、当該各号に定めるところによる。
  - 一 政党要件を満たす政治団体 当該合併又は分割の日において次のいずれかに該当していた政治団体をいう。
    - イ 当該政治団体に所属する衆議院議員又は参議院議員を五人以上有するもの
    - ロ イに該当する政治団体に所属していない衆議院議員又は参議院議員を有するもので、当該合併若しくは分割の日の直近において行われた総選挙（当該合併又は分割の日前に新公職選挙法による総選挙が行われた場合にあつては、総選挙における小選挙区選出議員の選挙又は比例代表選出議員の選挙）又は当該合併若しくは分割の日の直近において行われた通常選挙若しくは当該通常選挙の直近において行われた通常選挙における比例代表選出議員の選挙若しくは選挙区選出議員の選挙における当該政治団体の得票総数が当該選挙における有効投票の総数の百分の二以上であるもの
  - 二 存続政党に相当する政治団体 二以上の政党要件を満たす政治団体が合併した場合において、当該合併後に存続することとされた政治団体で当該合併の日において前号イ又はロのいずれかに該当していたものをいう。
  - 三 新設政党に相当する政治団体 二以上の政党要件を満たす政治団体が合併した場合において、当該合併により設立された政治団体で当該設立の日において第一号イ又はロのいずれかに該当していたものをいう。
  - 四 分割政党に相当する政治団体 政党要件を満たす政治団体の分割が行われた場合において、当該分割により設立された政治団体で当該設立の日において第一号イに該当していたものをいう。
- 5 第二条第二項の規定は前項第一号イ及びロの規定を適用する場合について、第二十三条第二

項の規定は同号口の規定を適用する場合について、それぞれ準用する。この場合において、第二条第二項中「政党（」とあるのは「附則第四条第一項に規定する政党要件を満たす政治団体（」と、「」の規定」とあるのは「」の規定（当該合併又は分割が政治資金規正法の一部を改正する法律（平成六年法律第四号）附則第一条ただし書きに規定する規定の施行の前に行われた場合にあつては、同法による改正前の政治資金規正法第六条第一項（同条第四項において準用する場合を含む。）の規定）」と、第二十三条第二項中「合併解散政党」とあるのは「附則第四条第一項に規定する合併により解散する政党要件を満たす政治団体」と読み替えるものとする。

（政令への委任）

第五条 前三条に定めるもののほか、この法律の施行に関し必要な経過措置は、政令で定める。

（政党交付金の総額の見直し）

第六条 この法律の施行後五年を経過した場合においては、政党交付金の総額について、公職選挙法の一部を改正する法律による改正後の公職選挙法及び政治資金規正法の一部を改正する法律（平成六年法律第四号）による改正後の政治資金規正法の施行の状況を踏まえ、政党の政治活動の状況、政党財政の状況、政治資金の個人による抛出の状況、会社、労働組合その他の団体の寄附の状況等を勘案し、その見直しを行うものとする。

附 則 （平成五年一一月一二日法律第八九号） 抄

（施行期日）

第一条 この法律は、行政手続法（平成五年法律第八十八号）の施行の日から施行する。

（諮問等がされた不利益処分に関する経過措置）

第二条 この法律の施行前に法令に基づき審議会その他の合議制の機関に対し行政手続法第十三条に規定する聴聞又は弁明の機会の付与の手続その他の意見陳述のための手続に相当する手続を執るべきことの諮問その他の求めがされた場合においては、当該諮問その他の求めに係る不利益処分の手続に関しては、この法律による改正後の関係法律の規定にかかわらず、なお従前の例による。

（罰則に関する経過措置）

第十三条 この法律の施行前にした行為に対する罰則の適用については、なお従前の例による。

（聴聞に関する規定の整理に伴う経過措置）

第十四条 この法律の施行前に法律の規定により行われた聴聞、聴問若しくは聴聞会（不利益処分に係るものを除く。）又はこれらのための手続は、この法律による改正後の関係法律の相当規

定により行われたものとみなす。

(政令への委任)

第十五条 附則第二条から前条までに定めるもののほか、この法律の施行に関して必要な経過措置は、政令で定める。

附 則 (平成六年三月十一日法律第一三三号)

この法律は、公布の日から施行する。

附 則 (平成六年十一月二五日法律第一〇六号) 抄

(施行期日)

第一条 この法律は、公職選挙法の一部を改正する法律(平成六年法律第二号)の施行の日の属する年の翌年の一月一日から施行する。

附 則 (平成七年一二月二〇日法律第一三六号)

この法律は、平成八年一月一日から施行する。

附 則 (平成十一年七月一六日法律第八七号) 抄

(施行期日)

第一条 この法律は、平成十二年四月一日から施行する。ただし、次の各号に掲げる規定は、当該各号に定める日から施行する。

- 一 第一条中地方自治法第二百五十条の次に五条、節名並びに二款及び款名を加える改正規定(同法第二百五十条の九第一項に係る部分(両議院の同意を得ることに係る部分に限る。)に限る。)、第四十条中自然公園法附則第九項及び第十項の改正規定(同法附則第十項に係る部分に限る。)、第二百四十四条の規定(農業改良助長法第十四条の三の改正規定に係る部分を除く。)並びに第四百七十二條の規定(市町村の合併の特例に関する法律第六条、第八条及び第十七条の改正規定に係る部分を除く。)並びに附則第七条、第十条、第十二条、第五十九条ただし書、第六十条第四項及び第五項、第七十三条、第七十七条、第五十七條第四項から第六項まで、第六十条、第六十三条、第六十四条並びに第二百二条の規定 公布の日

(共済組合に関する経過措置等)

第百五十八条 施行日前に社会保険関係地方事務官又は職業安定関係地方事務官であった者に係る地方公務員等共済組合法又は地方公務員等共済組合法の長期給付等に関する施行法の規定による長期給付(これに相当する給付で政令で定めるものを含む。以下この条において同じ。)のうち、その給付事由が施行日前に生じた長期給付で政令で定めるものに係る地方公務員等共済組合法第三条第一項第一号に規定する地方職員共済組合(以下この条において「地方職員共済組合」

という。)の権利義務は、政令で定めるところにより、施行日において国家公務員共済組合法(昭和三十三年法律第百二十八号)第二十一条第一項に規定する国家公務員共済組合連合会(以下この条において「国の連合会」という。)が承継するものとする。施行日前に社会保険関係地方事務官又は職業安定関係地方事務官であった者に係る地方公務員等共済組合法又は地方公務員等共済組合法の長期給付等に関する施行法の規定による長期給付のうち、その給付事由が施行日以後に生ずる長期給付で政令で定めるものに係る地方職員共済組合の権利義務についても、同様とする。

2 地方職員共済組合は、附則第七十一条の規定により相当の地方社会保険事務局又は社会保険事務所の職員となる者及び附則第二百二十三条の規定により相当の都道府県労働局の職員となる者並びに前項の規定によりその長期給付に係る地方職員共済組合の権利義務が国の連合会に承継されることとなる者に係る積立金に相当する金額を、政令で定めるところにより、国家公務員共済組合法第三条第二項の規定に基づき同項第四号ロに規定する職員をもって組織する国家公務員共済組合(以下「厚生省社会保険関係共済組合」という。)若しくは同条第一項の規定に基づき労働省の職員をもって組織する国家公務員共済組合(以下この条において「労働省共済組合」という。)又は国の連合会に移換しなければならない。この場合において、地方公務員等共済組合法第百四十三条第三項の規定は、適用しない。

3 施行日の前日において地方公務員等共済組合法第百四十四条の二第一項後段の規定により地方職員共済組合の組合員であるものとみなされていた者(施行日前に退職し、施行日の前日以後同項前段の規定による申出をすることにより同項後段の規定により引き続き地方職員共済組合の組合員であるものとみなされることとなる者を含む。)のうち、退職の日において社会保険関係地方事務官又は職業安定関係地方事務官であった者は、施行日において、当該資格を喪失し、国家公務員共済組合法第百二十六条の五第一項後段の規定によりそれぞれ厚生省社会保険関係共済組合又は労働省共済組合の組合員であるものとみなされる者となるものとする。この場合において、同条第五項第一号及び第一号の二中「任意継続組合員となつた」とあるのは、「地方公務員等共済組合法第百四十四条の二第一項後段の規定により地方職員共済組合の組合員であるものとみなされる者となつた」とする。

4 施行日前に地方職員共済組合の組合員であつて、退職の日において社会保険関係地方事務官又は職業安定関係地方事務官であつたものについては、施行日以後は、地方公務員等共済組合法附則第十八条第一項の規定を適用せず、これらの者にあつては、政令で定めるところにより、それぞれ厚生省社会保険関係共済組合又は労働省共済組合の組合員であつた者とみなして、国家公務員共済組合法附則第十二条第一項の規定を適用する。

#### (国等の事務)

第百五十九条 この法律による改正前のそれぞれの法律に規定するもののほか、この法律の施行前において、地方公共団体の機関が法律又はこれに基づく政令により管理し又は執行する国、他の地方公共団体その他公共団体の事務(附則第百六十一条において「国等の事務」という。)は、この法律の施行後は、地方公共団体が法律又はこれに基づく政令により当該地方公共団体の

事務として処理するものとする。

(処分、申請等に関する経過措置)

第百六十条 この法律（附則第一条各号に掲げる規定については、当該各規定。以下この条及び附則第百六十三条において同じ。）の施行前に改正前のそれぞれの法律の規定によりされた許可等の処分その他の行為（以下この条において「処分等の行為」という。）又はこの法律の施行の際現に改正前のそれぞれの法律の規定によりされている許可等の申請その他の行為（以下この条において「申請等の行為」という。）で、この法律の施行の日においてこれらの行為に係る行政事務を行うべき者が異なることとなるものは、附則第二条から前条までの規定又は改正後のそれぞれの法律（これに基づく命令を含む。）の経過措置に関する規定に定めるものを除き、この法律の施行の日以後における改正後のそれぞれの法律の適用については、改正後のそれぞれの法律の相当規定によりされた処分等の行為又は申請等の行為とみなす。

2 この法律の施行前に改正前のそれぞれの法律の規定により国又は地方公共団体の機関に対し報告、届出、提出その他の手続をしなければならない事項で、この法律の施行の日前にその手続がされていないものについては、この法律及びこれに基づく政令に別段の定めがあるもののほか、これを、改正後のそれぞれの法律の相当規定により国又は地方公共団体の相当の機関に対して報告、届出、提出その他の手続をしなければならない事項についてその手続がされていないものとみなして、この法律による改正後のそれぞれの法律の規定を適用する。

(不服申立てに関する経過措置)

第百六十一条 施行日前にされた国等の事務に係る処分であつて、当該処分をした行政庁（以下この条において「処分庁」という。）に施行日前に行政不服審査法に規定する上級行政庁（以下この条において「上級行政庁」という。）があつたものについての同法による不服申立てについては、施行日以後においても、当該処分庁に引き続き上級行政庁があるものとみなして、行政不服審査法の規定を適用する。この場合において、当該処分庁の上級行政庁とみなされる行政庁は、施行日前に当該処分庁の上級行政庁であつた行政庁とする。

2 前項の場合において、上級行政庁とみなされる行政庁が地方公共団体の機関であるときは、当該機関が行政不服審査法の規定により処理することとされる事務は、新地方自治法第二条第九項第一号に規定する第一号法定受託事務とする。

(手数料に関する経過措置)

第百六十二条 施行日前においてこの法律による改正前のそれぞれの法律（これに基づく命令を含む。）の規定により納付すべきであつた手数料については、この法律及びこれに基づく政令に別段の定めがあるもののほか、なお従前の例による。

(罰則に関する経過措置)

第百六十三条 この法律の施行前にした行為に対する罰則の適用については、なお従前の例による。

(その他の経過措置の政令への委任)

第百六十四条 この附則に規定するもののほか、この法律の施行に伴い必要な経過措置（罰則に関する経過措置を含む。）は、政令で定める。

2 附則第十八条、第五十一条及び第百八十四条の規定の適用に関して必要な事項は、政令で定める。

(検討)

第二百五十条 新地方自治法第二条第九項第一号に規定する第一号法定受託事務については、できる限り新たに設けることのないようにするとともに、新地方自治法別表第一に掲げるもの及び新地方自治法に基づく政令に示すものについては、地方分権を推進する観点から検討を加え、適宜、適切な見直しを行うものとする。

第二百五十一条 政府は、地方公共団体が事務及び事業を自主的かつ自立的に執行できるよう、国と地方公共団体との役割分担に応じた地方税財源の充実確保の方途について、経済情勢の推移等を勘案しつつ検討し、その結果に基づいて必要な措置を講ずるものとする。

第二百五十二条 政府は、医療保険制度、年金制度等の改革に伴い、社会保険の事務処理の体制、これに従事する職員の在り方等について、被保険者等の利便性の確保、事務処理の効率化等の視点に立って、検討し、必要があると認めるときは、その結果に基づいて所要の措置を講ずるものとする。

附 則 (平成十一年一月二二日法律第一六〇号) 抄

(施行期日)

この法律（第二条及び第三条を除く。）は、平成十三年一月六日から施行する。

附 則 (平成十四年一月一三日法律第一五二号) 抄

(施行期日)

第一条 この法律は、行政手続等における情報通信の技術の利用に関する法律（平成十四年法律第百五十一号）の施行の日から施行する。

(罰則に関する経過措置)

**第四条** この法律の施行前にした行為に対する罰則の適用については、なお従前の例による。

(その他の経過措置の政令への委任)

**第五条** 前三条に定めるもののほか、この法律の施行に関し必要な経過措置は、政令で定める。

**附 則** (平成一五年六月六日法律第六七号) 抄

(施行期日)

**第一条** この法律は、平成十六年四月一日から施行する。

(罰則に関する経過措置)

**第五十四条** この法律(附則第一条ただし書に規定する規定については、当該規定。以下この条において同じ。)の施行前にした行為並びにこの附則の規定によりなおその効力を有することとされる場合及びこの附則の規定によりなお従前の例によることとされる場合におけるこの法律の施行後にした行為に対する罰則の適用については、なお従前の例による。

(政令への委任)

**第五十五条** 附則第二条から第三十条まで、附則第三十三条、附則第三十八条、附則第四十条、附則第四十三条、附則第四十五条及び前条に定めるもののほか、この法律の施行に関し必要な経過措置は、政令で定める。

**附 則** (平成一六年六月一八日法律第一二四号) 抄

(施行期日)

**第一条** この法律は、新不動産登記法の施行の日から施行する。

(経過措置)

**第二条** この法律の施行の日が行政機関の保有する個人情報の保護に関する法律の施行の日後である場合には、第五十二条のうち商業登記法第百十四条の三及び第百十七条から第百十九条までの改正規定中「第百十四条の三」とあるのは、「第百十四条の四」とする。

**附 則** (平成一六年一二月一日法律第一五〇号) 抄

(施行期日)

**第一条** この法律は、平成十七年四月一日から施行する。



(罰則に関する経過措置)

第四条 この法律の施行前にした行為に対する罰則の適用については、なお従前の例による。

附 則 (平成一八年一二月二〇日法律第一一三号) 抄

(施行期日)

第一条 この法律は、公布の日から起算して五日を経過した日から施行する。ただし、次の各号に掲げる規定は、当該各号に定める日から施行する。

- 一 第一条のうち政治資金規正法第十二条の改正規定(同条第一項第一号ロに係る部分を除く。)、同法第十八条の二第二項の改正規定(「第十六条」を「第十六条第一項」に改める部分を除く。)、同法第二十条第一項の改正規定、同法第二十条の二第一項の改正規定及び同条の次に一条を加える改正規定並びに第二条及び第三条の規定並びに附則第四条から附則第六条まで、附則第八条及び附則第十条から附則第十二条までの規定 平成十九年一月一日
- 二 第四条並びに附則第七条、附則第九条及び附則第十三条の規定 郵便振替法(昭和二十三年法律第六十号)の廃止の日

(政党助成法の一部改正に伴う経過措置)

第十条 第三条の規定による改正後の政党助成法(以下附則第十二条までにおいて「新政党助成法」という。)第十七条第二項第一号(新政党助成法第二十八条第二項において準用する場合を含む。)、第三十四条第一項並びに第四十四条第一項第一号及び第七号の規定は、一部施行日以後に提出すべき期間が開始する新政党助成法第十七条第一項の報告書及び一部施行日以後に新政党助成法第二十八条第一項の規定により報告書を提出すべき事由が生じた場合における当該報告書の提出について適用し、一部施行日前に提出すべき期間が開始した第三条の規定による改正前の政党助成法(以下附則第十二条までにおいて「旧政党助成法」という。)第十七条第一項の報告書及び一部施行日前に旧政党助成法第二十八条第一項の規定により報告書を提出すべき事由が生じた場合における当該報告書の提出については、なお従前の例による。

2 新政党助成法第十八条第二項第一号(新政党助成法第二十九条第三項において準用する場合を含む。)、第四十条の二第一項並びに第四十四条第一項第二号及び第七号の規定は、一部施行日以後に提出すべき期間が開始する新政党助成法第十八条第一項の支部報告書及び一部施行日以後に新政党助成法第二十九条第一項の規定により支部報告書を提出すべき事由が生じた場合における当該支部報告書の提出について適用し、一部施行日前に提出すべき期間が開始した旧政党助成法第十八条第一項の支部報告書及び一部施行日前に旧政党助成法第二十九条第一項の規定により支部報告書を提出すべき事由が生じた場合における当該支部報告書の提出については、なお従前の例による。

第十一条 新政党助成法第三十一条後段の規定は、一部施行日以後に提出すべき期間が開始する定期報告文書(同条の定期報告文書をいう。次条において同じ。)から適用する。

**第十二条** 新政党助成法第三十二条の二第一項及び第二項の規定は、一部施行日以後に提出すべき期間が開始する定期報告文書及び一部施行日以後に提出すべき事由が生じた場合における新政党助成法第三十一条の解散等報告文書並びにこれらに併せて提出すべき書面及び文書について適用し、一部施行日前に提出すべき期間が開始した旧政党助成法第十七条第一項の報告書並びに同条第二項の支部報告書及び総括文書（旧政党助成法第二十条第一項の規定により提出すべきこれらの文書を含む。）並びに一部施行日前に提出すべき事由が生じた場合における旧政党助成法第二十八条第一項の報告書並びに同条第二項において準用する旧政党助成法第十七条第二項又は旧政党助成法第二十九条第二項の支部報告書及び総括文書（旧政党助成法第三十条第一項の規定により提出すべきこれらの文書を含む。）並びにこれらに併せて提出すべき書面及び文書については、なお従前の例による。

2 新政党助成法第三十二条の二第三項の規定は、一部施行日以後に新政党助成法第十八条第一項の規定により提出すべき期間が開始する同項の支部報告書又は一部施行日以後に新政党助成法第二十九条第一項の規定により提出すべき事由が生じた場合における同項の支部報告書に係る都道府県提出文書（新政党助成法第三十二条第三項の都道府県提出文書をいう。）について適用し、一部施行日前に旧政党助成法第十八条第一項の規定により提出すべき期間が開始した同項の支部報告書又は一部施行日前に旧政党助成法第二十九条第一項の規定により提出すべき事由が生じた場合における同項の支部報告書に係る旧政党助成法第三十二条第三項の支部報告書、支部総括文書及び監査意見書については、なお従前の例による。

**第十三条** 附則第一条第二号に掲げる規定の施行の日以後に提出される第四条の規定による改正後の政党助成法第十七条第一項の報告書若しくは同法第十八条第一項の支部報告書又は同法第二十八条第一項の報告書若しくは同法第二十九条第一項の支部報告書に併せて提出すべき書面であつて同日前の支出に係る部分を含むものに係る同法第十七条第二項第一号（同法第二十八条第二項において準用する場合を含む。）及び同法第十八条第二項第一号（同法第二十九条第三項において準用する場合を含む。）の規定の適用については、これらの規定中「金融機関」とあるのは「金融機関若しくは日本郵政公社」と、「振込みの明細書」とあるのは「振込み若しくは振替の明細書」とする。

（罰則に関する経過措置）

**第十四条** この法律（附則第一条各号に掲げる規定については、当該規定。以下この条において同じ。）の施行前にした行為並びに附則第二条、第四条、第八条及び第十条の規定によりなお従前の例によることとされる場合におけるこの法律の施行後にした行為に対する罰則の適用については、なお従前の例による。

**附 則** （平成一九年六月二七日法律第九九号） 抄

(施行期日)

第一条 この法律は、公布の日から起算して一年を超えない範囲内において政令で定める日（以下「施行日」という。）から施行する。

(罰則に関する経過措置)

第二十八条 この法律（附則第一条各号に掲げる規定については、当該規定。以下この条において同じ。）の施行前にした行為及びこの附則の規定によりなお従前の例によることとされる場合におけるこの法律の施行後にした行為に対する罰則の適用については、なお従前の例による。

(政令への委任)

第二十九条 附則第二条から第十九条まで及び前条に定めるもののほか、この法律の施行に関し必要な経過措置は、政令で定める。

(検討)

第三十条 政府は、この法律の施行後五年を経過した場合において、この法律の施行状況、社会経済情勢の変化等を勘案し、公認会計士制度及び監査法人制度等について検討を加え、必要があると認めるときは、その結果に基づいて所要の措置を講ずるものとする。

附 則 （平成二六年五月三〇日法律第四二号） 抄

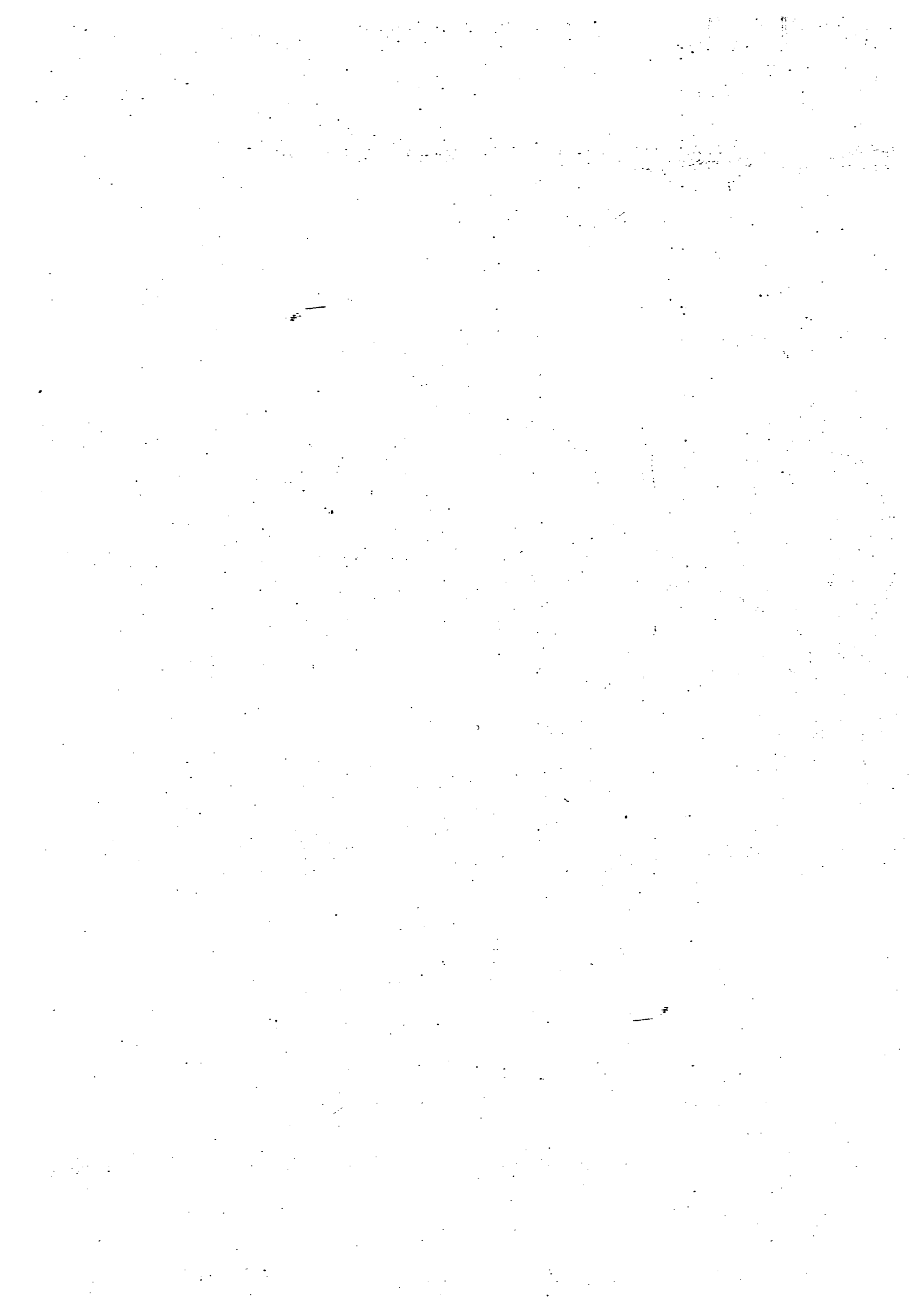
(施行期日)

第一条 この法律は、公布の日から起算して二年を超えない範囲内において政令で定める日から施行する。

附 則 （平成二六年六月一三日法律第六九号） 抄

(施行期日)

第一条 この法律は、行政不服審査法（平成二十六年法律第六十八号）の施行の日から施行する。



# Spain : Political Parties

Organic Law on Political Parties (2002)

Organic Law on Funding of Political Parties (2007)



## I. GENERAL PROVISIONS

### HEAD OF STATE

12756 ORGANIC LAW 6/2002 of 27 June  
on Political Parties

JUAN CARLOS I

KING OF SPAIN

Know all men by these presents:  
That Parliament has approved and I  
hereby endorse the following Organic  
Law.

### STATEMENT OF MOTIVES

#### I

Law 54/1978 on Political Parties, a pre-constitutional law and therefore brief in articles and content, fundamentally established a simple formation procedure in the framework of the freedom of political parties, an objective which, on the other hand, was highly relevant in the foundational time in which the Law was passed. All the other provisions which currently comprise the legal status of political parties in Spain derive from that established in the Constitution and laws which, like the Parliamentary Regulations and the Electoral Law, lay down the function and essential role of political parties in our democratic system, as well as from later legislative reforms like those contained in the Penal Code as regards the illegality of certain associations or those related to the funding of political parties, combined with the intensive interpretative work of

the Judiciary and the Constitutional Court.

Today, nearly twenty-five years after the approval of that Law on Political Parties, which continues to be in force, the inadequacies of an incomplete and fragmentary legal status of political parties have become evident in a mature and firmly consolidated democracy, in which the important role and constitutional relevance of political parties has not ceased to increase. Therefore, a reform is currently needed for several important reasons.

First, to clearly and systematically reflect the experience gathered in these past years.

Secondly, to renew provisions anchored on the priority concerns of the past, which are inadequate and insufficient to regulate the new realities of the present. Particularly in view of the vigour with which society currently complements the action of public institutions and opens new channels for participating or relating with them through instruments which, as in the case of associations, foundations or political parties, are being the subject of the respective legislative modernisation.

On another front, although political parties are not constitutional bodies but association-based private entities, they are nonetheless an essential part of the constitutional architecture; they perform functions of primary constitutional relevance and hold a second characteristic which the doctrine tends to summarise with reiterated references to their constitutional relevance and institutional guarantee conferred by the Constitution. From both points of view, these current times call for the strengthening and improvement of the legal status of political parties,





with a more defined, guarantee-based and complete system. If this is applicable to associations, it should be even more so to political associations, whose aim is to unite convictions and efforts in order to steer the democratic direction of public issues, contribute towards the operation of public institutions and prompt changes and improvements as a result of the exercise of political power. But also because political parties are essential instruments of the action of the State, in an advanced and demanding State based on the rule of law such as ours, which places limits and establishes guarantees and controls on all subjects, no matter how relevant they are in the constitutional structure. It could even be said that the greater a subject's prominence and function in the system, the greater the interest of a State based on the rule of law in improving its legal framework.

Alongside the above, in our case, there is general agreement on the deficiency of the current legislation in establishing the constitutional requirements for the democratic organisation and operation of political parties as well as an action procedure subject to the Constitution and the laws, both in terms of understanding the democratic principles and constitutional values to be observed in their internal organisation and external activities, and in everything affecting the procedures for making them effective.

This deficiency now calls for a renewed effort to improve the provisions in force. The objective is to ensure the operation of the democratic system and the fundamental freedoms of citizens, preventing a political party from repeatedly and seriously attempting against that democratic system of freedoms, from justifying racism and xenophobia or politically supporting

violence and the activities of terrorist groups. Particularly bearing in mind that, owing to terrorism activities, it is essential to clearly identify and differentiate organisations that defend and promote their ideas and programmes, no matter what they may be, including those which seek to revise the institutional framework, by scrupulously respecting the democratic methods and principles, from others which base their political action on complicity with violence, terror, discrimination, exclusion and violation of rights and freedoms.

For such purposes, a judicial procedure is established for banning a political party on the grounds of giving real and effective political support to violence or terrorism, which is different from the judicial procedure established in the Penal Code for dissolving illegal associations on the grounds described in its articles 515 and 520.

## II

To implement these objectives, the current Organic Law on Political Parties, which develops essential provisions contained in articles 1, 6, 22 and 23 of our Constitution, includes thirteen articles grouped in four chapters, and it is rounded off with three additional provisions —which include the reform of two articles of Organic Law 5/1985 of 19 June, on the General Electoral System, and article 61 of Organic Law 6/1985 of 1 July, on the Judiciary—, a transitional provision, a repealing provision and two final provisions.



### III

Chapter I establishes the principle of freedom in its three aspects of positive freedom to form, positive freedom to join and negative freedom to belong or participate, and improves the procedures for forming a political party, completing the currently existing provisions, clarifying a number of doubts and overcoming several voids. The Law therefore does not introduce large modifications of substance in this section, respecting the principle of minimum intervention derived from the Constitution itself.

The registration of the founding charter and statute in the Register of Political Parties gives legal status to a political party, makes public its formation and statute, binds the public authorities, and is a guarantee to third parties with dealings with the political party and its members. Said registration must be carried out by the person in charge of the Register within an established and brief period, after which the registration is deemed made.

Among the most salient introductions, it is worth highlighting the restriction on promoters of political parties established in article 2, applicable to persons who have committed specific crimes, as well as the prohibitions regarding the names of political parties contained in section 1 of article 3, the responsibility of promoters established in section 1 of article 4, the provision of a procedure for rectifying formal defects, and the suspension of the registration period in the circumstances described in article 5.

This last article maintains the provision already contained in the previous Law, which lays down that evidence of criminal unlawfulness by a

political party at the time of formation and registration in the Register may lead to a declaration of illegality by a criminal court judge, filed by the Public Prosecutor's Office after receiving a notification by the Ministry of the Interior, and therefore the inadmissibility of the registration.

### IV

The biggest changes in the Law are contained in chapter II, from which, as the logical corollary, the new provisions of chapter III are derived.

Chapter II lays down the basic criteria for guaranteeing the constitutional mandate which establishes that the organisation, operation and activity of political parties must be democratic and adapted to that established in the Constitution and the laws, performing, as described in article 9, «the functions constitutionally conferred on political parties in a democratic manner and with utmost respect for pluralism».

On the one hand, with articles 7 and 8, this Organic Law seeks to combine respect for the organisation and functional capacity of political parties through their statutes with several essential requirements to ensure the implementation of democratic principles in their internal organisation and operation. The aim is, first of all, to address the rights of members, but also seeking to «ensure the effective fulfilment of the functions constitutionally and legally conferred on political parties and, secondly, to contribute towards ensuring the democratic functioning of the State» (Constitutional Court Sentence 56/1995 of 6 March).



From this double perspective, the Law envisages an assembly body of a general participative nature, responsible for making the most important decisions in the life of a political party; the free and secret vote, as the ordinary channel for filling management posts; the democratic control of such management posts; certain rights considered basic in any associative setting, to be enjoyed equally, such as the right to participate in elections and be electable in the bodies, and to information on activities, the financial situation and on the persons who make up the management bodies; as well as a number of basic rules regarding the operation and system of the meetings of the collegiate bodies.

Article 9 endeavours to ensure political party respect for democratic principles and human rights. To do this, in view of the generic wording of the Law hereby repealed, this Organic Law establishes a detailed list of the types of misconduct which most notoriously infringe these principles, on the basis of two fundamental principles worth a brief mention.

The Law elects, first of all, to contrast the democratic nature of a political party and its respect for the constitutional values not on the basis of the ideas or aims proclaimed by the party, but its activity as a whole. In this manner, the only aims explicitly vetoed are those deemed to be criminally unlawful.

It is well known that this is not the only choice offered by comparative law models. The need to defend democracy from certain odious aims and methods, to preserve its constituting clauses and the fundamental aspects of the rule of law, the obligation of public authorities to ensure respect for the basic rights of citizens, or the consideration of political

parties as subjects obliged to perform specific constitutional functions, for whose purpose they are given a privileged status, have led some legislations to categorically lay down a strict duty of observance, establish an even greater adherence to the constitutional order and, moreover, claim a positive duty to play an active role in defending and teaching democracy. Duties which, when infringed, exclude political parties from the legal and democratic systems.

However, in contrast with other legislations, this Law begins by considering that any project or objective is compatible with the constitution, provided that it is not defended through an activity that breaches the democratic principles or the fundamental rights of citizens.

As mentioned in the statement of motives of Organic Law 7/2000 of 22 December, it is clearly not a question of prohibiting the defence of ideas or doctrines, no matter how far removed from the constitutional framework, even if they put it in question.

We could therefore conclude, without prejudice to other models, that this Law holds a balanced position, combining with extreme prudence the freedom inherent in the maximum degree of pluralism with respect for human rights and protection of democracy.

This approach is confirmed through the second principle taken into consideration, that of avoiding illegalisation for isolated misconduct, once again except of a criminal nature, requiring instead repeated or joined actions which unequivocally show a track record of breakdown of democracy and offence against the constitutional values,



the democratic method and the rights of citizens.

This is addressed in paragraphs a), b) and c), section 2, article 9, clearly establishing the boundary between organisations which defend their ideas and programmes, no matter what they may be, scrupulously respecting the democratic methods and principles, and others which base their political action on complicity with terror, violence, violation of the rights of citizens or the democratic method and principles.

## V

Having established the duty of political parties to respect the democratic principles and constitutional values, and outlined the evidentiary elements which establish when a political party has breached those principles and values and therefore must be declared illegal, chapter III of the Law establishes the existing legal safeguards for defending the rights and constitutional principles against the actions of political parties. Obviously, the starting point is the one established in the Constitution: only the judicial authority is competent to control the illegality of their actions or to decree, in the face of repeated and serious violations, the dissolution or suspension of the political party concerned.

It is well known that case law has already clarified the cases where access to the civil jurisdiction is appropriate, in connection with the law suit intensions derived from the private transactions of political parties or filed by their members in connection with their internal operations, and the cases where the competent jurisdiction is the contentious-administrative, concerning issues arising from administrative procedures derived from the Law. In the same way, the Penal Code and the Law on

Criminal Procedure nowadays clarify the cases where the dissolution or suspension of a political party through the criminal jurisdiction is appropriate and the procedure to follow to ensure that such an important decision is implemented with all the guarantees.

Consequently, the main change introduced here is the regulation of the competent jurisdiction and procedure for the judicial dissolution of a political party on the grounds of failing to respect the democratic principles and human rights, a procedure already announced in the Law hereby repealed, although never developed.

The Organic Law solves this serious situation with the general criteria that prevails in the constitutional framework of the structure and operation of political parties, i.e., stating that it can only be done through a judicial resolution. As explained in Constitutional Court Sentence No. 3/1981 of 2 February, «the Constitution, and also ordinary legislation, solely entrusts the Judiciary with the function of issuing a judgment on the legality of a political party. Turning to the Judiciary, which can decree, as mentioned above, the provisional suspension or, as a last resort, the dissolution of a political party, is precisely the means held by the State to defend itself when attacked by a political party which, through the content of its statute or its actions, regardless of the first, attempts against its security».

The text establishes that, given the constitutional importance and relevance of political parties and, moreover, the decisions affecting the declaration of their illegality or justifying their dissolution, the Special Chamber of the Supreme Court, provided for in article 61 of the Organic Law on the Judiciary, is the competent body to dissolve a political





party for serious misconduct which contravenes the Constitution. As explained in a ruling of 9 July 1999 by this very Chamber «for its composition, this Special Chamber symbolises the Full Bench of the Supreme Court. It is, in a manner of speaking, a "reduced" full bench, given that its composition includes the President of the Supreme Court and all the Chambers listed in article 55 of the Organic Law on the Judiciary which, as a whole, make up the Supreme Court, through their respective Presidents and Senior Judges, the longest serving and the most recent. The purpose of highlighting this here is to emphasise that, due to its significant composition, the Chamber mentioned in article 61 of the Organic Law on the Judiciary holds a "status" of supremacy in relation to ordinary Chambers, in terms of the definition of its competencies and those of ordinary Chambers...».

For said Chamber to examine whether the operation and activities of a political party adhere to the democratic principles, a specific and preferential judicial process, comprised of a single proceeding, is established. The process may only be prompted by the Public Prosecutor's Office and the Government, on their own initiative or at the request of the Chamber of Deputies or the Senate. Said procedure is configured in a classical manner, on the basis of documentation, with a series of conventional steps (allegations, evidence, new allegations and sentence) which, owing to the time frames and structure, combine the principles of legal certainty and the right of defence with the principle of promptness, endeavouring to ensure that the uncertainty which may arise as a result of the initiation of the judicial process is not aggravated by a drawn-out process.

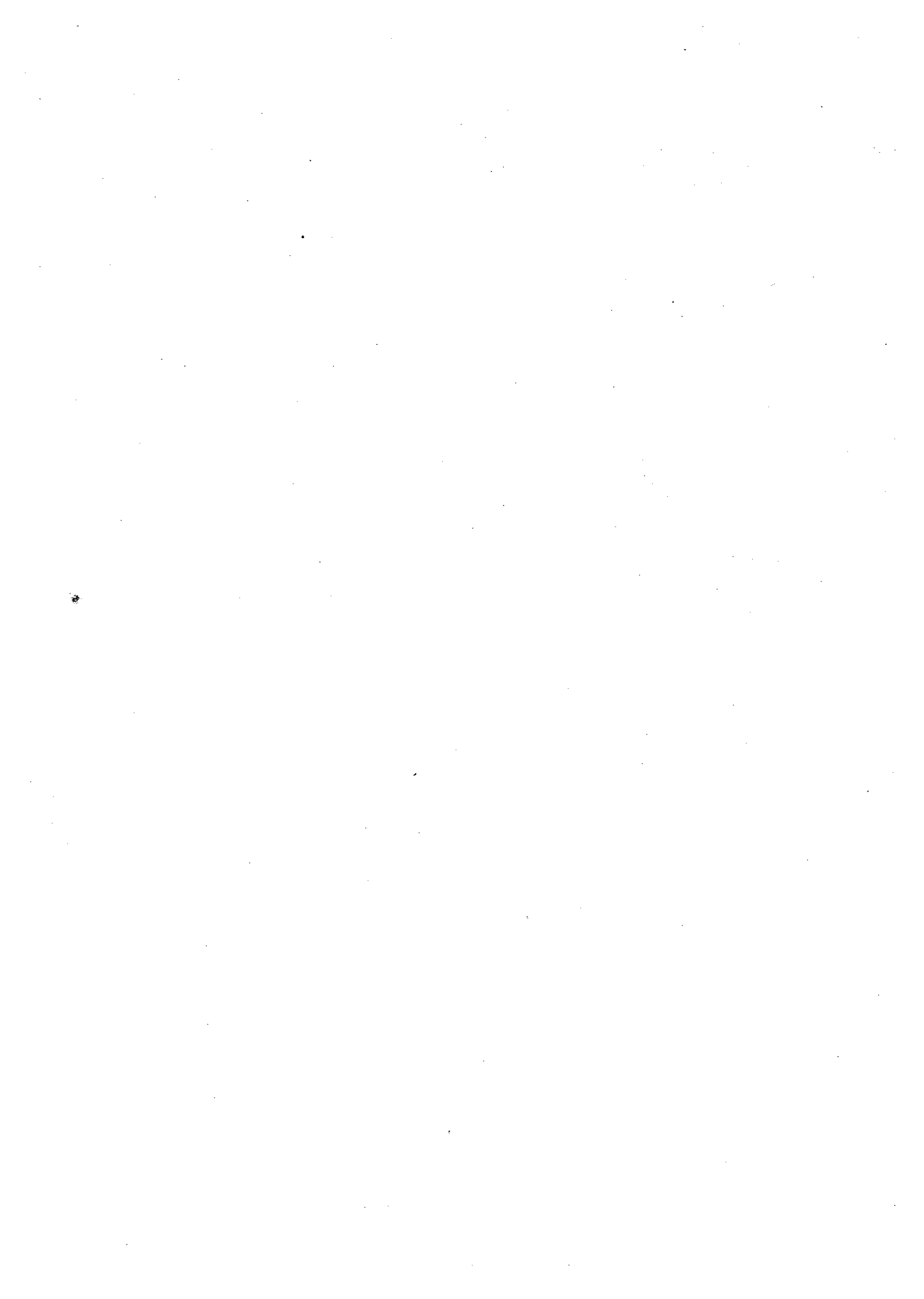
The sentence passed by the Special Chamber may not be appealed, without prejudice, as the case may be, to an appeal to the Constitutional Court on grounds of violation of rights and liberties, and the sentence will be enforceable as soon as notified.

Lastly, article 12 gives details of the effects of the judicial dissolution of a political party. After the sentence is notified, all the activities of the political party concerned will be immediately stopped and deemed fraudulent. Consequently, the formation of any organisation which continues or succeeds a party declared illegal and dissolved will not be accepted. The dissolution will also mean the initiation of a liquidation of assets process, and the resulting net balance will be assigned to initiatives of social or humanitarian interest.

## VI

The regulation contained in this Organic Law is rounded off with referrals to other legal regulations on issues related to the funding of political parties (chapter IV) and with several complementary provisions which, among other things, enable to adapt to the new Law the provisions of the Organic Law on the Judiciary (first additional provision, so that the Special Chamber of the Supreme Court can hear these cases), and the Organic Law on the General Electoral System (second additional provision, to lay down that establishing groups of voters during an electoral period to succeed, de facto, a dissolved or suspended political party is deemed fraudulent and, therefore, inadmissible).

On the subject of funding, it is worth highlighting that the referral is made to the Law on the Funding of Political Parties, but also to the



accreditation and responsibilities system established in Organic Law 2/1982 of 12 May, on the Court of Auditors, and in Law 7/1988 of 5 April, on the Operation of the Court of Auditors.

Lastly, with regard to the competence of the Special Chamber, the Law carries the guarantee that this is the competent Chamber to hear and resolve cases of fraud, either on the basis of its condition of Sentencing Court (sections 2 and 3 of article 12), the express call hereby introduced into the electoral legislation to resolve appeals against the establishment or not of groups of voters (second additional provision), or that established in section 2 of the sole transitional provision, regarding the succession of political parties to avoid the effects of this Law.

## CHAPTER I

### On the formation of political parties

#### Article 1. *Freedom to form and join.*

1. Spaniards are free to form political parties, in compliance with that set forth in the Constitution and this Organic Law.

2. Joining a political party is a free and voluntary decision. Nobody can be forced to form or join a political party.

3. Political parties may form and register federations, confederations and unions of parties, in compliance with that set forth in this chapter and on the express agreement of its competent bodies.

#### Article 2. *Capacity to form.*

1. The promoters of a political party must be individuals of legal age in full enjoyment and exercise of their rights, not subject to any legal condition on the exercise of such rights, who have

not been criminally condemned for illegal association or for any of the serious crimes set forth in Titles XXI - XXIV of the Penal Code. This last cause of incapacity shall not affect individuals who have been judicially rehabilitated.

2. Formed political parties may establish the formation and recognition of youth organisations in their statute.

#### Article 3. *Formation and legal status.*

1. The formation agreement must be formalised through a founding charter, which must be notarised and always contain the personal identification of the promoters, the name of the political party to be formed, the members of the provisional management bodies, the address, and the statute on the basis of which the political party is to be governed.

The name of a political party may not include terms or expressions that may lead to error or confusion regarding its identity or which contravene the laws or the fundamental rights of citizens. Moreover, the name may not coincide, be similar to or identified with, even phonetically, the name of any other political party previously registered in the Register or declared illegal, dissolved or suspended as a result of a judicial decision, the identification of individuals, or the name of pre-existing entities or registered trademarks.

2. Political parties acquire legal status on registering the party in the Register of Political Parties which, for such purposes, will be in place in the Ministry of the Interior, after presenting the founding charter signed by the promoters, together with the documents certifying the fulfilment of the requirements established in this Organic Law.



#### **Article 4. *Registration in the Register.***

1. The promoters of a political party will take all the necessary steps to register the party. The promoters of an unregistered political party will be personally, jointly and severally liable for any obligation assumed with third parties if they stated that they were acting on behalf of the party.

2. Within twenty days of presenting the full documentation in the Register of Political Parties, the Ministry of the Interior will register the political party in the Register. However, this twenty-day period may be suspended if the Ministry deems it necessary to initiate any of the procedures set forth in the following article.

3. Except in the above-mentioned cases of suspension of the twenty-day period, after said period available to the Ministry of the Interior for registering the party, the registration will be deemed made, thereby conferring legal status to the political party, making the foundation charter and the statute public, binding the public authorities, and offering a guarantee to third parties with dealing with the party and to its members.

4. The registration of the political party in the Register will be valid indefinitely, as long as its suspension or dissolution is not recorded in the Register. The latter may take place if the party notifies the decision to dissolve the party, made in accordance with the provisions of its statute, or if judicially declared illegal and dissolved or suspended. All of which without prejudice to that established in section 6, article 10, and in terms of the scope and effects of the suspension, in section 8, article 11 of this Organic Law.

#### **Article 5. *Examination of registration requirements.***

1. When formal defects are found in the founding charter or the accompanying documentation, or when the promoters lack capacity, the Ministry of the Interior will make it known to the interested parties so that they may rectify such defects. In this case, the registration period will be suspended as of the moment of the notification and will be resumed again once the defects are duly corrected.

2. When reasonable grounds for suspicion of criminal unlawfulness are found in the documentation presented, the Ministry of the Interior will make it known to the Public Prosecutor's Office within the twenty-day period referred to in the previous article, by means of a properly reasoned decision accompanied by the available items of evidence.

3. Within a period of twenty days from receipt of the communication referred to in the previous section, depending on whether or not it finds that there is sufficient evidence of criminal unlawfulness, the Public Prosecutor's Office will decide to take the necessary legal action in the criminal jurisdiction or to return the communication to the Ministry of the Interior so that it may go ahead with the registration.

4. The communication to the Public Prosecutor's Office by the Ministry of the Interior will mean the suspension of the period established in section 2 of the previous article until the communication alleging insufficient evidence of criminal unlawfulness is returned to the Ministry of the Interior or until the Criminal Judge adopts a decision on the appropriateness of the registration or, as the case may be, as a precautionary measure, on the



provisional resumption of the registration period. The communication and the respective suspension of the registration period will be immediately notified to the interested promoters.

5. The administrative proceedings associated with the registration of the political party may be appealed in the contentious-administrative jurisdiction, in accordance with the provisions of the Law on the Contentious-Administrative Jurisdiction.

6. When endeavouring to register in the Register of Political Parties a political party which seeks to continue or succeed the activity of another political party declared illegal and dissolved, action will be taken against that party in accordance with that set forth in article 12 of this Organic Law.

## CHAPTER II

### On the organisation, operation and activities of political parties

Article 6. *Democratic and legality principles.*

In their organisation, operation and activities, political parties shall adhere to the democratic principles and that established in the Constitution and the laws.

Article 7. *Organisation and operation.*

1. The internal structure and operation of political parties must be democratic.

2. Without prejudice to their internal organisation capacity, political parties must have a general assembly comprised of all their members, who may act in person or through representatives. As the party's highest governing body,

the general assembly will be responsible for adopting the party's most important agreements, including its dissolution.

3. The management bodies of political parties will be established in the statute and must be filled by means of a free and secret vote.

4. The statute or its internal enabling regulations must establish: a sufficient notice period of meetings to give the collegiate bodies enough time to prepare the issues to be addressed; the number of members required to include issues in the agenda, rules of deliberation which allow room for contrasting ideas; and the majority required to adopt agreements. As a general rule, the latter will be a simple majority of those present or represented.

5. The statute must also provide for democratic control procedures of elected leaders.

Article 8. *Rights and duties of members.*

1. Members of political parties must be individuals of legal age with full capacity to act. They shall all have equal rights and duties.

2. The statute will have a detailed list of the rights of members, including, in any event, the following:

a) To participate in the activities of the party and in the governing and representation bodies, to exercise the right to vote, and to attend the general assembly, in accordance with the statute.

b) To be voters and be electable for the posts in the party.

c) To receive information on the composition of the management and administration bodies, the decisions





adopted by the management bodies, the activities carried out and the financial situation.

d) To challenge agreements adopted by the management bodies which are considered an infringement of the Law or the statute.

3. Expulsion from the party and other sanction measures which deprive members of their rights may only be imposed through proceedings where both parties are present. The members affected must be guaranteed the right to be informed on the events giving rise to the measures, the right to be heard prior to adopting the measures, the right to a justified reason for the agreement to impose a sanction, and the right to file, as the case may be, an internal appeal.

4. Members of a political party shall fulfil the obligations described in the provisions of the party's statute and, in any event, the following:

a) Share the aims of the party and co-operate in achieving those aims.

b) Respect that provided for in the statute and the laws.

c) Accept and comply with the agreements duly adopted by the management bodies of the party.

d) Pay the fees and other contributions which, in accordance with the statute, are payable by each member.

#### Article 9. Activity.

1. Political parties shall exercise their activities freely and, in doing so, must respect the constitutional values, i.e., the democratic principles and human rights. They will perform the functions constitutionally conferred on them

democratically and with full respect for pluralism.

2. A political party will be declared illegal when its activity violates the democratic principles, particularly when through its activity the party seeks to deteriorate or destroy the system of liberties or disable or eliminate the democratic system through any of the following conduct, carried out in a repeated and serious fashion:

a) Systematically violate the fundamental rights and freedoms, promoting, justifying or exculpating offences against the lives or integrity of individuals, or excluding or persecuting individuals for their ideology, religion, beliefs, nationality, race, sex or sexual orientation.

b) Encourage, support or legitimate violence as a means of achieving political objectives or deteriorate the right conditions for exercising democracy, pluralism and political freedoms.

c) Supplement and politically support the action of terrorist organisations in achieving their objectives of subverting the constitutional order or seriously disturbing the public peace, attempting to subject public authorities, specific individuals or groups of society or the population as a whole to a climate of terror, or contributing to aggravate the effects of terrorist violence and terror and the intimidation generated by it.

3. It shall be deemed that the circumstances described in the previous section are present in a political party when any of the following conduct is repeated or joined:

a) Giving express or implicit political support to terrorism,



legitimizing terrorist actions to achieve political objectives outside the peaceful and democratic channels, or exculpating and minimising their meaning and the resulting violation of fundamental rights.

b) Backing violent action with programmes and initiatives aimed at encouraging a culture of confrontation and civil unrest linked to the activity of terrorists, or aimed at intimidating, dissuading, neutralising or socially isolating those who oppose violence, forcing them to live in an environment of coercion, fear, exclusion or basic deprivation of freedoms, particularly, the freedom to voice an opinion and participate freely and democratically in public issues.

c) Regularly including in its management bodies or electoral lists individuals condemned for terrorist crimes who have not publicly repudiated terrorist aims and means, or holding a large number of members who are also members of organisations or entities associated with a terrorist or violent group, unless the party has adopted disciplinary measures against such members conducive to expulsion.

d) Using as instruments of the party's activity, jointly with the party's own instruments or instead of them, symbols, messages or elements that represent or are identified with terrorism or violence as well as with conduct associated with terrorism or violence.

e) Assigning, in favour of terrorists or those co-operating with them, the rights and privileges conferred on political parties by the legal system and, specifically, the electoral legislation.

f) Regularly co-operating with entities or groups which systematically

act in agreement with a terrorist or violent organisation, or protecting or supporting terrorism or terrorists.

g) Giving support, from the institutions they are governing in, to the entities mentioned in the previous paragraph, through administrative, economic or any other type of measures.

h) Promoting, backing or participating in activities aimed at rewarding, honouring or recognising terrorist or violent actions or those who perpetrate them or cooperate in them.

i) Backing actions of disorder, intimidation or social coercion associated with terrorism or violence.

4. To appreciate and assess the activities mentioned in this article, as well as the continuity or repetition of such activities throughout the history of a political party, even after changing its name, the decisions, documents and communications of the party, its management bodies and its parliamentary and municipal Groups will be taken into account, as well as its public events and calls for citizen action, demonstrations, initiatives and public commitments of its leaders and members of its parliamentary and municipal Groups, the proposals presented in and outside the institutions, and the significantly repeated attitudes of its members or candidates.

Likewise, the administrative sanctions imposed on the political party or its members and the criminal sentences handed out to its leaders, candidates, elected posts or members for the crimes typified in Titles XXI - XXIV of the Penal Code, without the party having taken disciplinary measures against them conducive to expulsion, will also be taken into account.



### CHAPTER III

#### **On the judicial dissolution or suspension of political parties**

##### **Article 10. *Judicial dissolution or suspension.***

1. As well as on the decision of its members, agreed on the basis of the causes and through the procedures established in its statute, a political party may only be dissolved or, as the case may be, suspended on the decision of the competent judicial authority and according to the terms set forth in sections 2 and 3 of this article. The dissolution will take effect as soon as recorded in the Register of Political Parties, after receiving the notification from the political party or the judicial body responsible for decreeing the party's dissolution.

2. The judicial dissolution of a political party shall be agreed by the competent jurisdictional body in the following cases:

a) When the party engages in events classed as illegal association in the Penal Code.

b) When the party continuously, repeatedly and seriously infringes the requirement of a democratic internal structure and operation, in accordance with that set forth in articles 7 and 8 of this Organic Law.

c) When the party's activity repeatedly and seriously breaches the democratic principles or endeavours to deteriorate or destroy the system of freedoms or disable or eliminate the democratic system through the conduct referred to in article 9.

3. The judicial suspension of a political party shall only be appropriate if so established in the Penal Code. It may also be agreed as a precautionary measure by virtue of that set forth in the Law on Criminal Procedure or in the terms of section 8, article 11 of this Organic Law.

4. The event provided for in paragraph a), section 2 of this article shall be judged by the competent judge in the criminal jurisdictional system, in accordance with that set forth in the Organic Law on the Judiciary, the Law on Criminal Procedure and the Penal Code.

5. The events provided for in paragraphs b) and c), section 2 of this article shall be judged by the Special Chamber of the Supreme Court, regulated in article 61 of the Organic Law on the Judiciary, in accordance with the procedure established in the following article of this Organic Law, which will be of a preferential nature.

6. The possible coincidence in time of the judicial procedures provided for in the previous sections 4 and 5 of this article against the same political party shall not interfere in the continuation of both until their completion, each producing their respective effects. On the other hand, the voluntary dissolution of a political party may not be agreed if a judicial declaration process of illegality has been initiated against that party as per section 4 or 5, or both.

##### **Article 11. *Procedure.***

1. The Government and the Public Prosecutor's Office are legitimated to request the declaration of illegality of a political party and its subsequent dissolution, by virtue of that established



in paragraphs b) and c), section 2 of the previous article of this Organic Law.

The Congress of Deputies or the Senate may press the Government to request the illegalisation of a political party. In which case, the Government shall be obliged to present the respective illegalisation request after deliberation in the Council of Ministers, on the grounds listed in article 9 of this Organic Law. The processing of this agreement by the Bureaus of the Congress of Deputies and the Senate shall be in line with the established procedure.

2. The action through which the declaration referred to in the previous section is sought will be initiated through a complaint presented in the Special Chamber of the Supreme Court provided for in article 61 of the Organic Law on the Judiciary, attaching to the complaint the documents supporting the grounds for the illegality.

3. The Chamber will immediately communicate the complaint to the affected political party, citing it to appear before the Chamber within eight days. Once the party has appeared or failed to appear in due time and form, the Chamber will analyse whether or not it gives leave for the case to proceed, being able to refuse it in the following cases by means of a court order:

a) If the complaint was filed by an individual not legitimated to file the complaint or not duly represented.

b) If the substantive or formal requirements are clearly not met.

c) If the complaint is clearly groundless.

In the event of any of the above, the problem will be made known to the

parties so that they may present allegations within the common ten-day period.

4. Once the Chamber has given leave for the case to proceed, if the defendant has already appeared before the Chamber, the latter will be called to answer the complaint within twenty days.

5. If the parties have provided so in their statements of claims or answers or the Chamber deems it necessary, a period established for producing evidence will be initiated, which will be governed, in terms of time frames and procedures, by the rules which on this subject are established in chapters V and VI, Title I, Book II of the Law on Civil Procedure.

6. The parties will be notified of the evidence produced and may present allegations on that evidence within the next twenty days, after which time, regardless of whether or not allegations are presented, the process will be ready for judgement and the sentence must be passed within twenty days.

7. The sentence passed by the Special Chamber of the Supreme Court, which may declare the dissolution of the political party or throw the complaint out, may not be appealed, without prejudice, as the case may be, to an appeal to the Constitutional Court on grounds of violation of rights and liberties, and the sentence will be enforceable as soon as notified. If the dissolution of the party is decreed, the Chamber will order the cancellation of the respective registration in the Register of Political Parties, and the ruling will produce the effects determined in the following article of this Organic Law. If the complaint is thrown out, it may only be filed again if new elements of fact are





presented to the Supreme Court, which must be of sufficient substance to be able to carry out assessments of the illegal activity of the party other than those already contained in the sentence.

8. Over the length of the judicial process, either on its own initiative or at the request of one of the parties, the Chamber may adopt any of the precautionary measures provided for in the Law on Civil Procedure, in accordance with the procedure established in said Law. In particular, the Chamber may agree the provisional suspension of the activities of the party until a sentence is passed, with the scope and effects that it deems opportune for the purpose of safeguarding the general interest. In which case, the Chamber shall order the respective preventive annotation in the Register of Political Parties.

*Article 12. Effects of the judicial dissolution.*

1. The judicial dissolution of a political party will produce the effects provided for in the laws and, in particular, the following:

a) After the dissolution sentence has been notified, the activity of the dissolved political party will be immediately stopped. Failure to comply with this provision will give rise to liability, in accordance with that established in the Penal Code.

b) Any acts executed with abuse of law or improper use of legal status will not impede the due application of the dissolution. Forming a new political party or using another already registered in the Register of Political Parties which continues or succeeds the activity of an

illegal and dissolved party will be deemed fraudulent and inappropriate.

c) The dissolution will give rise to the initiation of an asset liquidation procedure, carried out by three liquidators appointed by the sentencing Chamber. The resulting net balance will be assigned by the Treasury to activities of social and humanitarian interest.

2. In the process of the execution of the sentence, it is the duty of the sentencing Chamber to ensure that all the effects established in the laws with regard to the dissolution of a political party are observed and executed.

3. In particular, after hearing the interested parties, it is the duty of the sentencing Chamber to declare the inappropriateness of the continuity or succession of a dissolved political party referred to in paragraph b), section 1. In assessing that connection, the Chamber will take into account substantial similarities between both political parties in their structures, organisation and operation, the persons who comprise, govern, represent or administer them, the origin of their funding or materials, as well as any other relevant circumstance, such as their readiness to support violence or terrorism, which enable the Chamber to assess said continuity or succession by comparing those facts with the information and data available to the Chamber during the process in which the illegalisation and dissolution were decreed. As well as the parties to this process, the Ministry of the Interior and the Public Prosecutor's Office may press the sentencing Chamber to adopt a decision, if the political party concerned attempts to register the party in the Register of Political Parties, as described in articles 4 and 5 of this Organic Law.



4. The sentencing Chamber will reject in a reasoned manner requests, incidents and pleas presented with clear abuse of law or entail improper use of legal status or abuse of the process of the court.

#### CHAPTER IV

##### On the funding of political parties

###### Article 13. *Funding.*

1. The funding of political parties will take place in accordance with that provided for in Organic Law 3/1987 of 2 July, as regards the Funding of Political Parties.

2. In accordance with the above-mentioned Law and that established in Organic Law 2/1982 of 12 May, on the Court of Auditors, and in Law 7/1988 of 5 April, on the Operation of the Court of Auditors, political parties assume the formal and personal obligations related to the accreditation of aims and the fulfilment of prior requirements established in the above-mentioned laws with regard to the control of public funds received.

###### First additional provision. *Modification of Organic Law 6/1985 of 1 July, on the Judiciary.*

A new number 6 is introduced into section 1 of article 61 of Organic Law 6/1985 of 1 July, on the Judiciary, with the following content:

«6. On the declaration processes of illegality and subsequent dissolution of political parties, in accordance with that established in Organic Law 6/2002 of 27 June, on Political Parties.»

###### Second additional provision.

###### *Modifications of Organic Law 5/1985 of 19 June, on the General Electoral System.*

1. A new section 4 is introduced into article 44 of Organic Law 5/1985 of 19 June, on the General Electoral System, with the following content:

«4. Groups of voters which, in fact, are there to continue or succeed the activity of a political party judicially declared illegal and dissolved or suspended may not present candidates. For this purpose, any substantial similarities in their structures, organisation and operation will be taken into account, as well as the persons who comprise, govern, represent or administer them, the origin of their funds or materials, and any other relevant circumstance, such as their readiness to support violence or terrorism, which can help determine such continuity or succession.»

2. A new section 5 is introduced into article 49 of Organic Law 5/1985 of 19 June, on the General Electoral System, with the following content:

«5. The appeals provided for in this article will be applicable in cases of proclamation or exclusion of candidates presented by the groups of voters referred to in section 4, article 44 of this Organic Law, with the following exceptions:

a) The appeal referred to in the first section of this article will be filed in the Special Chamber of the Supreme Court regulated in article 61 of the Organic Law on the Judiciary.



b) Those who are legitimated to request the declaration of illegality of a political party will also be legitimated to file the appeal, in accordance with that established in section 1, article 11 of the Organic Law on Political Parties.»

Third additional provision.  
*Supplementarity.*

In the registration of parties procedure regulated in chapter III, Law 30/1992 of 26 November, on the Legal System of Public Administrations and on Common Administrative Procedure, will also be applicable in all matters not regulated in this Organic Law and its implementation regulations.

Sole transitional provision.

1. Political parties registered in the Register of Political Parties held at the Ministry of the Interior when this Organic Law enters into force will be subject to this Law and will preserve their legal status and full capacity, without prejudice to, if necessary, having to adapt their statute within one year.

2. For the purpose of applying that provided for in section 4 of article 9 to activities carried out after the entry into force of this Organic Law, forming a political party, immediately before or after the above-mentioned entry into force, which continues or succeeds the activity of another with the intention of avoiding the applicability of the provisions of this Law to the former party will be considered fraud. This shall not impede such application, and action will be taken against the party in accordance with that established in articles 10 and 11 of this Organic Law, being the responsibility of the Special

Chamber of the Supreme Court to assess such continuity or succession and the intention to commit fraud.

Sole repealing provision.

All laws conflicting with this Organic Law, in particular, Law 54/1978 of 4 December, on Political Parties, and the articles in force of Law 21/1976 of 14 June are hereby repealed.

First final provision. *Issuance of enabling regulations.*

The Government is hereby empowered to issue all the necessary provisions to enable the implementation and development of this Law, especially with regard to the founding charter and its supplementary documentation and the Register of Political Parties provided for in chapter I.

Second final provision. *Entry into force.*

This Organic Law will enter into force the day after it is published in the «Official State Gazette».

Therefore,

I call on all Spaniards, individuals and authorities, to observe and ensure the observance of this Organic Law.

Madrid, 27 June 2002

JUAN CARLOS R.

The acting Prime Minister,  
MARIANO RAJOY BREY



29010

Thursday, 5 July 2007

Official State Gazette No. 160

## I. GENERAL PROVISIONS

### HEAD OF STATE

**13022 ORGANIC LAW 8/2007 of 4 July on the funding of political parties.**

JUAN CARLOS I

KING OF SPAIN

Know all men by these presents: That Parliament has approved, and I hereby endorse, the following Organic Law.

### STATEMENT OF MOTIVES

The approval in the Congress of Deputies of Organic Law 3/87 on the funding of political parties marked the first regulation on the sources of funding of one of the key institutions on which our democratic system is based. Political parties are private associations which play an essential role in our democratic system because they are instruments for political representation and formation of the popular will.

However, it is felt that the way in which the current law regulates an aspect as important as the funding of political parties, which is an essential factor for guaranteeing the stability of the democratic system, fails to properly guarantee the adequacy, consistency and transparency of their economic activity.

In the twenty years that have passed since the introduction of Law 3/87, society has experienced many political and economic changes, such as the rapid incorporation of new technologies, the integration of the Spanish State into the Economic and Monetary Union and the consolidation of the democratic system, which was only ten years old when the current law on the funding of political parties was approved. Coupled with these changes, it is also worth highlighting the public concern about possible irregularities sometimes associated with political party funding.

There is currently a broad consensus in society and the public opinion, which also extends to political parties, on the need to address a new law on the funding of political parties that will give rise to more transparency and control.





**This new law aims to ensure the definite and general acceptance that the exercise of popular sovereignty requires that the political control of the institutions elected in the ballot boxes ultimately lies with the people, giving rise to the essential need to establish guarantees and more resources to ensure that there are no elements of distortion between the will of the people and the exercise of political power in the system of political party funding.**

**In the exercise of their functions, the freedom of political parties would be harmed if a completely deregulated funding system were allowed; since such a system would inevitably give rise to doubts as to whether a certain political decision had been influenced by contributions received from a given source, and to the rupture of the function of political parties as institutions responsible for channelling the formation of the popular will.**

**The funding of political parties must be take place through a mixed system which receives, on the one hand, contributions from citizens and, on the other, funds from public authorities in proportion to their representation, as a means of guaranteeing the independence and also the adequacy of the system. Private contributions must come from natural or legal persons not bound by any contract with public administrations, they must be made public and not exceed reasonable and realistic limits.**

**At the same time, it is necessary to establish audit and oversight mechanisms with sufficient human and material resources to exercise their function with independence and efficacy. This, in turn, generates the need to regulate the penalties derived from the liabilities that may follow an infringement of the regulatory provision.**

**The objective is therefore to realistically address the funding of political parties so that both the state, through public subsidies, and individuals, whether grassroots members, members or supporters, contribute to their maintenance as a basic instrument for political representation and formation of the popular will, ensuring maximum levels of transparency and publicity and regulating the control mechanisms to prevent deviations from their functions.**

**Lastly, this Law aims to fulfil the explicit requirement of the Joint Committee for Relations with the Court of Auditors and with the repeated recommendations made in the annual reports of the supreme body which audits the accounts and economic management of the state, which in its session of 30 October 2001 passed the motion concerning the modification of the regulations on the funding and oversight of political parties, to guarantee adequacy, consistency and transparency in the economic activity of these formations.**

## **TITLE I**

### **General provisions**

**Article 1. *Scope of application of the Law.***



The funding of political parties, federations, coalitions or groups of voters shall adhere to that established in this Organic Law.

For the purposes of this Law, the expression "political party" shall include, where appropriate, all the entities mentioned in the previous paragraph.

#### **Article 2. *Financial resources.***

The financial resources of political parties shall be made up of:

##### **One. Resources from public funding:**

a) The public subsidies for electoral expenses, in the terms established in Organic Law 5/1985, on the general electoral system, and in the legislation which regulates the electoral processes of the legislative assemblies of the autonomous regions and the general assemblies of the historical Basque territories.

b) The annual state subsidies for operating expenses, regulated in this Law.

c) The annual subsidies established by the autonomous regions for operating expenses in the sphere of the respective autonomous region, as well as the subsidies granted by the historical Basque territories and, as the case may be, the local councils.

d) The extraordinary subsidies for propaganda campaigns that may be established in the Organic Law which regulates the different kinds of referendums.

e) The contributions which, as the case may be, political parties may receive from the parliamentary groups of the houses of Parliament, the legislative assemblies of the autonomous regions and the general assemblies of the historical Basque territories, as well as from the groups of representatives in the bodies of the local administrations.

##### **Two. Resources from private funding:**

a) The fees and contributions from their members and supporters.

b) The income from the proper activities of political parties, the revenue from managing their own assets, the benefits from their promotional activities, and those that they may obtain from services rendered in relation to their specific aims.

c) The cash or in kind donations received in the terms and conditions established in this Law.

d) The funds from the loans or credits that political parties may have taken out.

e) The inheritances or legacies that political parties may receive.

## **TITLE II**

### **Sources of funding**

#### **CHAPTER ONE**

#### **Public resources**

#### **Article 3. *Subsidies.***



**One.** The state shall grant political parties with representation in the Congress of Deputies unconditioned annual subsidies to meet their operating expenses, which shall be charged to the national budgets.

Likewise, an annual allocation may be included in the national budgets to meet the security expenses incurred by political parties in performing their political and institutional activity.

**Two.** These subsidies are to be distributed according to the number of seats and votes obtained by each political party in the most recent elections to the Congress of Deputies.

To assign the above-mentioned subsidies, the respective budget allocation shall be divided into three equal amounts. One is to be distributed in proportion to the number of seats obtained by each political party in the most recent elections to the Congress of Deputies, and the other two are to be divided in proportion to all the votes obtained by each party in said elections.

**Three.** Likewise, the autonomous regions may grant political parties with representation in their respective legislative assemblies unconditioned annual subsidies to meet their operating expenses, which shall be charged to their respective autonomous region budgets.

These subsidies are to be distributed according to the number of seats and votes obtained by each political party in the most recent elections to the above-mentioned legislative assemblies, in proportion to and in accordance with the criteria established in the respective autonomous region legislation.

The subsidies referred to in this section may also be granted by the historical Basque territories.

**Four.** The subsidies referred to in the previous points shall be incompatible with any other economic or financial support included in the national budgets, the budgets of the autonomous regions or those of the historical Basque territories destined to the operation of political parties, except those mentioned in point one of article 2 of this Law.

**Five.** Once a procedure to ban a political party has been initiated under that established in article 11.2 of Organic Law 6/2002 of 27 June, on political parties, the judicial authority, on the suggestion of the Minister of the Interior, may decide, as a precautionary measure, to suspend the payment of public funding to the political party concerned, regardless of the type or nature of the funding.

## **CHAPTER TWO**

### **Private resources**

#### **Article 4.**

##### **One. Contributions from members.**

Political parties may receive, in accordance with their articles of association, fees and contributions from their members and supporters.

##### **Two. Private donations to political parties.**

a) Political parties may receive cash or in kind donations, for unspecified purposes and bearing the donor's name, from natural or legal persons, within the limits and in accordance with the requirements and conditions established in this Law.



The donations received in accordance with that established in this Law, which shall be irrevocable, must be destined to carrying out the activities of the receiving entity.

The value of in kind donations shall be established in accordance with that provided in Law 49/2002 of 23 December, on the tax scheme applicable to non-profit entities and fiscal incentives for patronage.

b) The donations from legal persons shall require a prior agreement adopted in due form by the company's governing body, specifically mentioning in the minutes that the donation is in keeping with the provisions of this Law.

Political parties may not accept or receive, directly or indirectly, donations from public organisations, entities or companies.

c) Political parties may also not accept or receive, directly or indirectly, donations from private companies which, under a contract in force, render services or perform work for public administrations, public organisations or companies in which the state has a controlling interest.

d) The funds donated to political parties must be paid into accounts in financial institutions which have been opened exclusively for that purpose. Only donations may be deposited into these accounts.

e) With regard to the donations covered in this article, a record must be kept of the date and the amount of the deposit, as well as the name and the fiscal identity number of the donor. The financial institution where the deposit is made shall be obliged to provide the donor with a document confirming the details mentioned above.

f) With regard to donations in kind, their effective reception shall be confirmed in a certificate issued by the political party, specifying, together with the identity of the donor, the public document or other authentic document that confirms the transfer of the donated good, with express mention of the irrevocable nature of the donation.

### Three. Assimilated transactions.

Political parties may not accept, directly or indirectly, third parties effectively assuming the cost of their acquisitions of goods, works or services or any other expense incurred in their activity.

Infringements of that provided in the previous paragraph shall be penalised in accordance with that established in article 17 a) of this Law.

### Article 5. *Restrictions on private donations.*

Political parties may not accept or receive, directly or indirectly:

1. Anonymous donations.
2. Donations from a same natural or legal person amounting to more than 100,000 euros a year.

Donations in kind of real estate property are not subject to the above-mentioned limit, provided that the requirements established in letter f) of section two of article 4 are met.

### Article 6. *Proper activities.*

- One. Political parties may not carry out any kind of commercial activity.





Two. The proper activities referred to in letter b) of section two of article 2 are not considered to be commercial activities.

Three. The earnings from the proper activities of political parties, the revenue from managing their own assets and from their promotional activities, and the earnings that they may obtain from services rendered in relation to their specific aims shall require the identity of the transferor if the transfer to the political party amounts to 300 euros or more.

#### *Article 7. Contributions from foreign persons.*

One. Political parties may receive donations for unspecified purposes from foreign persons, in accordance with the limits, requirements and conditions established in this Law with regard to private contributions, and provided that the requirements established in the legislation in force on the control of foreign exchange and movement of capital are met

Two. Notwithstanding that provided in the previous paragraph, political parties may not accept any funding whatsoever from foreign governments or foreign public organisations, entities, companies or other companies directly or indirectly related to them.

#### *Article 8. Justification of fees and contributions.*

One. The fees and contributions from members and supporters must be paid into accounts held with financial institutions which have been opened exclusively for that purpose. The payments made into these accounts can only be for said fees, and they must be made through direct debit from an account whose title holder is the member, or by means of a transfer to the account designated by the political party which must bear the member's name.

Two. Other private contributions must be paid into a different bank account from the one mentioned in the previous paragraph. In any case, a record must be kept of the date of the deposit, the amount of the deposit and the full name of the member or the payer. The financial entity where the deposit is made shall be obliged to issue a document confirming the above-mentioned details.

### TITLE III

#### Tax scheme

#### *Article 9. Purpose and scope of application.*

One. The purpose of this title is to regulate the tax scheme applicable to political parties, as well as the tax scheme applicable to the fees, contributions and donations made by natural or legal persons to contribute towards the funding of political parties.

Two. When not provided in this title, the general tax regulations shall apply, in particular those related to non-profit entities.

### CHAPTER ONE

#### Tax scheme for political parties



**Article 10. *Income exempt from tax.***

**One. Political parties shall be exempt from Corporation Tax on the income obtained to finance the activities that are part of their specific purpose or aim in the terms established in this article.**

**Two. The exemption referred to in the previous paragraph shall apply to the following income and capital gains:**

- a) **The fees and contributions paid by their members.**
- b) **The subsidies received in accordance with that established in this Law.**
- c) **The private donations made by natural or legal persons, and any other capital gains arising from acquisitions for gainful purposes.**
- d) **The revenues obtained in the exercise of their proper activities. When involving revenues from their own economic operations, the exemption must be expressly recognised in advance by the tax authorities.**

**The exemption shall also apply to income earned in the transfer of property or rights for consideration related to the proper purpose or aim of the political party, provided that the revenue from the transfer is used to make new investments related to the proper purpose or aim of the political party or to finance its activities within the periods established in the Corporate Tax regulations.**

- e) **The revenue from the goods and rights that are part of the assets of the political party.**

**Article 11. *Tax rate, income not subject to tax withholding and obligation to declare.***

**One. The positive tax base corresponding to non-exempt income shall be taxed at a rate of 25 per cent.**

**Two. Exempt income by virtue of this Law shall not be subject to tax withholding or on-account payment. The accreditation of political parties procedure for purposes of exclusion from the obligation to withhold shall be established in the respective regulations.**

**Three. Political parties shall be obliged to file and sign a tax return for Corporate Tax in relation to non-exempt income.**

**CHAPTER TWO**

**Tax scheme for the fees, contributions and donations made to political parties.**

**Article 12. *Tax incentives.***

**One. Membership fees, as well as all other contributions made to political parties, shall be deductible from the Personal Income Tax tax base, with a limit of 600 euros a year, provided that such fees or contributions are justified in accordance with article 8.1.**

**Two. The donations to political parties referred to in article 4 shall be subject to the deductions established in Law 49/2002 of 23 December, on the tax scheme for non-profit entities and tax incentives for patronage.**

**Article 13. *Justification of fees, contributions and donations.***



The application of the tax scheme established in the previous article shall be subject to the natural or legal person being in possession of the document confirming the payment of the contribution, donation or fee issued by the receiving political party.

#### TITLE IV

#### Accounting obligations.

##### Article 14. *Ledger books of accounts.*

One. Political parties must keep detailed ledger books of accounts in a way that they always show the political party's financial situation and its compliance with the obligations established in this Law.

Two. The treasury, inventory and balance sheet ledgers must contain, in accordance with generally accepted accounting principles:

- a) The annual inventory of all the assets.
- b) The revenue account, which is to include at least the following categories of revenue:
  - The global amount of the fees and contributions received from its members.
  - The revenue from its own assets.
  - The revenue from the donations referred to in article 4 of this Law.
  - The public subsidies.
  - The revenue from the party's activities.
- c) The expenditure account, which is to include at least the following categories of expenses:
  - Personnel expenses.
  - Expenses from the acquisition of goods and services (current).
  - Financial expenses from loans.
  - Other administration expenses.
  - Expenses from the party's activities.
- d) The capital transactions related to:
  - Credits or loans from financial institutions.
  - Investments.
  - Debtors and creditors.

Three. The highest management body of political parties which receive any of the public subsidies established in article 3 of this Law is obliged to present the annual accounts for each financial year, itemising and documenting the party's income and expenditure.

Four. The consolidated annual accounts shall extend to the state, autonomous region, regional and provincial spheres. The consolidated annual accounts of federations and coalitions of parties are to include those of the federated and coalesced parties.

Five. The annual accounts shall include the balance sheet, the profit and loss account and an explanatory report of both the latter. In any case, the report is to include a list of the public subsidies and the private donations received from natural or legal persons, specifically providing the identification details of each donor and the amount of the capital received.

The report must also include an annex specifying in detail the stipulated contract conditions of the credits or loans of any kind held by the party with financial institutions. The annex must provide the identification details of the lending financial institution, the amount of the credit or loan, the interest rate, the amortisation period of the credit or loan



and the debt outstanding at the end of the respective financial year, providing any relevant contingency concerning the fulfilment of the agreed conditions.

**Six.** Notwithstanding that provided in the previous paragraph, in rendering the accounts to the parliamentary groups of Parliament, the legislative assemblies of the autonomous regions, the general assemblies of the historical Basque territories and the local councils, political parties should adhere to that established in the respective specific regulations or local legislation.

**Seven.** The duly formalised consolidated annual accounts shall be sent to the Court of Auditors prior to 30 June of the year following the one the accounts make reference to.

## TITLE V

### Inspection and control

#### Article 15. *Internal control.*

Political parties must have an internal control system in place that guarantees the adequate audit and reporting of all the acts and documents from which rights and obligations of an economic nature are derived, in accordance with their articles of association. The report resulting from the internal review should be attached to the documentation submitted to the Court of Auditors.

#### Article 16. *External control.*

One. The Court of Auditors is exclusively responsible for controlling the economic-financial activities of political parties, without prejudice to the responsibilities conferred to the inspection bodies of the autonomous regions established in their respective regulations.

Two. This control shall extend to the legality of the public and private resources of political parties, as well as to the accounting regularity of the economic-financial activities carried out.

Three. Within a period of six months from the reception of the documents listed in article 13 of this Law, the Court of Auditors shall issue a report on the legality and compliance with that established in this Law, or, as the case may be, it shall expressly specify the infringements or irregular practices observed.

Four. The above-mentioned report shall be submitted, where appropriate, to Parliament for approval, and subsequently published in the Official State Gazette.

## TITLE VI

### System of penalties

#### Article 17.





Without prejudice to the legal responsibilities of any kind derived from that established in Spain's body of laws and, in particular, that established in this Law, the Court of Auditors may decide to impose pecuniary sanctions on the infringing political party:

a) When a political party obtains donations that contravene the limits and requirements established in this Law, the Court of Auditors may propose the imposition of a fine equivalent to twice the amount of the illegally received contribution. The amount of said fine shall be deducted from the following payment of the annual subsidy to cover the party's operating expenses.

b) If for no justified reason a political party fails to present the accounts for the previous financial year or the accounts are so poorly presented that the Court of Auditors is unable to carry out its inspection task, the Court of Auditors may propose the non-payment of the annual subsidies to cover the infringing party's operating expenses.

#### Article 18.

The sanctioning procedures referred to in sections a) and b) of the previous article shall be initiated upon the decision of the full bench of the Court of Auditors.

One. The decision to initiate the above-mentioned proceedings shall include at least the following:

- a) Identification of the allegedly responsible political party.
- b) The facts that motivated the initiation of the proceedings, their possible legal characterisation and the penalties that may apply.
- c) The examining magistrate, with express indication of the steps the political party must take if it wishes to object to him or her acting as examining magistrate in the proceedings.

The initiation decision shall be notified to the examining magistrate and to the accused political party, informing the latter that it has a period of fifteen days to submit all the allegations, documents and information that it deems opportune, to request the opening of a period for the gathering, submission and consideration of evidence and to propose the means of proof that it deems appropriate.

The initiation decision shall be accompanied by the documents and the evidence taken into account by the Court of Auditors prior to initiating the proceedings.

Two. A period for the gathering, submission and consideration of evidence shall be opened in the following instances:

- a) When so requested by the political party concerned during the allegations period established in the previous article, proposing the specific means of proof.
- b) When, in the absence of a specific request by the political party concerned, the examining magistrate deems it necessary in order to clarify the facts and to establish who is responsible. In this case, the examining magistrate shall give a period of five days to the parties concerned to propose the means of proof they deem opportune.
- c) The period for the gathering, submission and consideration of evidence shall last thirty working days.
- d) The examination of the evidence shall be carried out in accordance with that established in article 81 of Law 30/1992, on the Legal System for Public Administrations and the Common Administrative Procedure.

Three. Once the period for the gathering, submission and consideration of evidence has concluded, the examining magistrate shall issue a proposal for settlement, which must contain:



1) If it is upheld that an infringement and liability exists:

a) The facts considered to be proven and the weighing up of the evidence on which that consideration is based.

b) The political party considered to be responsible, the legal principles and the weighing up of the evidence on which that consideration is based.

c) The legal principles characterising the infringements under which the events are considered to be classed, and the reasons for that consideration, which can only be those that appear in sections a) and b) of article 17 of this Law.

d) The penalties considered to be appropriate, as per the terms of article 17 of the Organic Law on the funding of political parties, the legal principles on which the penalties are based, the circumstances considered, the legal principles and the weighing up of the evidence on which that consideration is based, as well as, where appropriate, the proposal to suspend, fraction or modify the enforcement of the penalty and the reasons for the proposal.

2) If it is upheld that no infringement or liability exists:

a) The acquittal proposal.

Four. The acquittal proposal shall be notified to the interested parties, informing them that they have a period of fifteen days to submit allegations. In the notification, the interested parties shall also be informed that during said period the dossier of the case shall be made available to them for consultation and making copies of documents.

Once the submission of allegations period has ended, the examining judge shall immediately submit the proposal for settlement to the full bench of the Court of Auditors, together with the documents, allegations and information held in the dossier, for a judgement to be delivered.

Five. The examining magistrate, stating his or her grounds, may extend the above-mentioned allegations and evidence periods only once by a number of days equal to or fewer than the number of days established above for said periods, provided that, owing to the volume and nature of the evidence to be examined, the complexity of the factual situations and the legal questions analysed or other appropriate reasons, such extension is considered to be necessary to adequately establish the facts in issue and the responsibilities or to guarantee the effective defence of the accused.

Six. Decisions by the examining magistrate to refuse the opening of a period for the gathering, submission and consideration of evidence or for examining any means of proof proposed by the parties may be appealed within a period of three days, and the examining judge's failure to reply to the application for appeal shall mean that the application has been dismissed.

Seven. The full bench of the Court of Auditors shall deliver a reasoned judgement which shall address all the aspects put forward by the political party concerned and those derived from the proceedings. The judgement settling the proceedings shall contain the information established in section three of this article.

The full bench of the Court of Auditors, the competent authority to deliver a judgement, may only make changes to the statement of facts provided in the proposal for settlement in order to clarify them or take others into account only when such changes are beneficial to the accused. In the decision, the competent authority to deliver a judgement shall give the specific reasons for making such changes to the statement of facts.



If the judgement is not notified within a period of six months from the initiation of the proceedings, it means that the action has lapsed. The lapsing of the above-mentioned six-month period shall be interrupted whilst the proceedings are at a standstill for reasons attributable to the parties concerned.

Eight. The sanctioning decisions adopted by the Court of Auditors may be appealed through the contentious-administrative channel in the Supreme Court. When such sanctioning decisions resolve to reduce or not to pay the annual subsidies for operating expenses, the filing of the appeal shall automatically suspend the enforcement of the decision adopted by the Court of Auditors.

#### *Article 19. Duty to co-operate.*

One. Political parties shall be obliged to supply whatever documents, records, data and justifications may be required by the Court of Auditors to carry out its inspection task.

Two. When in the exercise of the inspection function, the authorities or civil servants of the Court of Auditors have knowledge of data, reports or records which affect the privacy of persons, they shall be obliged to preserve the strictest total secrecy in relation to them. Failing to fulfil this obligation, they shall be held liable for the administrative or penal responsibilities that may be applicable.

Likewise, and only in these cases, political parties may fulfil the obligation referred to in section one of this article by making the required information available to the Court of Auditors in the head office or offices designated by them.

Three. Entities which have held relations of an economic nature with political parties shall be obliged, if so required by the Court of Auditors, to provide it with detailed information and justification of their transactions with the political parties, in accordance with generally accepted external audit standards, for the sole purpose of verifying observance of the limits, requirements and obligations established in this Law.

#### *First additional provision.*

Letter c) of section 3 of article 9 of the Revised Text of the Law on Corporate Tax, approved by Royal Legislative Decree 4/2004 of 5 March, shall remain worded as follows:

"c) Professional associations, business associations, official chambers and workers' unions."

#### *Second additional provision.*

Letter d) of section 2 of article 28 of the Revised Text of the Law on Corporate Tax, approved by Royal Legislative Decree 4/2004 of 5 March, shall remain worded as follows:

"d) Professional associations, business associations, official chambers and workers' unions."

#### *Third additional provision.*

Number 28 is added to section one of article 20 of Law 37/1992 of 28 December, on Value Added Tax, with the following text:



**"28. Provisions of services and deliveries of goods carried out by political parties on occasion of public meetings aimed at obtaining financial support to pursue their specific aims and organised for their exclusive benefit."**

**Fourth additional provision.**

A new article 61 bis is added to Law 35/2006 of 28 November, on Personal Income Tax and on the partial modification of the laws on Corporate Tax, Income Tax for Non-Residents and Wealth Tax, with the following wording:

**"Article 61 bis. *Reduction for fees and contributions to political parties.***

Membership fees and contributions to Political Parties, Federations, Coalitions or Groups of Voters may be subject to a reduction in the tax base, with a maximum limit of 600 euros a year."

**Fifth additional provision.**

A new letter e) is added to article 45.1 A) of the Revised Text of the Law on Property Conveyances and Documented Legal Acts, approved by Royal Legislative Decree 1/1993 of 24 September, with the following wording:

**"e) Political parties with parliamentary representation."**

**Sixth additional provision.**

One. The global amount of the allocation included in the National Budgets to pay the subsidies regulated in article 3 of this Law shall be adjusted every year at least in line with the Consumer Price Index.

Two. The same adjustment shall be made in the amounts that appear in the other articles of this Law.

**Seventh additional provision. *Foundations and Associations related to political parties.***

The donations received by Foundations and Associations organically related to political parties with representation in Parliament shall be subject to the oversight and control mechanisms and to the system of penalties established, respectively, in Titles V and VI of this Law, without prejudice to their own applicable regulations. Likewise, such donations shall be subject to the limits and requirements established in Chapter Two of Title II of this Law, with the following particulars:

a) The limit referred to in section 2 of article 5 shall be 150,000 euros per natural or legal person and year.

b) That established in letter c) of section two of article 4 shall not be applicable to them.

c) Donations of more than 120,000 euros made by legal persons shall, in addition, require that the donating entity formalises the donation in question in a public document.

**Eighth additional provision.**

The Court of Auditors shall, within a period of 6 months from the approval of this Law, draw up a specific Chart of accounts for political formations which must respect the limits





and provisions of this Law, in accordance with the criteria manifested by the Court of Auditors in the different Oversight of Political Parties reports approved in each financial year. The Chart of accounts is to be approved by the Court after being analysed and debated by the Joint Congress-Senate Committee for Relations with the Court of Auditors.

**Ninth additional provision.**

The quantitative limit established in article 5.2 of this Law shall be updated every year in accordance with the increase in the Consumer Price Index.

**Tenth additional provision.**

That established in Title III and in the first and fifth additional provisions of this Law shall be understood without prejudice to the regional tax schemes in force in the Basque Autonomous Region and the Autonomous Region of Navarra.

**Eleventh additional provision.**

That established in section two of article 7 of this Law shall not be applicable to political parties which perform political functions as parties legally established in other foreign States, provided that the purpose of the subsidies is to perform those functions.

**First transitional provision.**

Political parties, where appropriate, shall adapt their articles of association and internal regulations to that established in this Organic Law within a period of one year.

**Second transitional provision.**

Political parties may reach agreements on the conditions of debts held by them with financial institutions. Such agreements shall be in keeping with the customs and practices in ordinary commercial activity between the parties and the requirements and limits established in Titles I and II of this Law shall not be applicable to them. Such agreements must be reported to the Court of Auditors and to the Bank of Spain.

**Third transitional provision.**

For the financial year 2008, the annual state subsidy for the operating expenses of political parties and the annual allocation to meet their security expenses are established, respectively, at 78,100.00 thousands of euros and 4,010.00 thousands of euros.

**Repealing provision.**

The following provisions remain repealed:

Organic Law 3/1987 of 2 July, on the Funding of Political Parties.

Any other provisions which contradict this Law.



**Final provision.**

**This Organic Law shall enter into force the day after it is published in the «Official State Gazette». Nevertheless, the regulations related to Corporate Tax contained in Section 1 of Title III shall be applicable as of the first financial year commencing after the Law has entered into force.**

**Therefore,**

**I call on all Spaniards, individuals and authorities, to observe and ensure the observance of this Organic Law.**

**Madrid, 4 June 2007**

**The President of the Government  
JOSÉ LUIS RODRÍGUEZ ZAPATERO**

**JUAN CARLOS R.**



France



การถือ การคุ้มครอง การดำเนินการของพรรคการเมืองและการเสริมพรรคการเมืองในฝรั่งเศส  
นั้น จะนำไปโดยอาศัยอำนาจหน้าที่ที่บัญญัติไว้ในมาตรา ๑๕ ของ  
รัฐธรรมนูญแห่งสาธารณรัฐฝรั่งเศส ค.ศ. ๑๙๕๘





CONSTITUTION  
OF OCTOBER 4,  
1958

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# C O N S T I T U T I O N

The Government of the Republic, in accordance with the Constitutional statute of June 3<sup>rd</sup> 1958, has proposed,

The French people have adopted,

The President of the Republic hereby promulgates the Constitutional statute worded as follows :

## P R E A M B L E

The French people solemnly proclaim their attachment to the Rights of Man and the principles of national sovereignty as defined by the Declaration of 1789, confirmed and complemented by the Preamble to the Constitution of 1946, and to the rights and duties as defined in the Charter for the Environment of 2004.

By virtue of these principles and that of the self-determination of peoples, the Republic offers to the overseas territories which have expressed the will to adhere to them new institutions founded on the common ideal of liberty, equality and fraternity and conceived for the purpose of their democratic development.

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**ARTICLE 1.** France shall be an indivisible, secular, democratic and social Republic. It shall ensure the equality of all citizens before the law, without distinction of origin, race or religion. It shall respect all beliefs. It shall be organised on a decentralised basis.

Statutes shall promote equal access by women and men to elective offices and posts as well as to professional and social positions.

Title I

## ON SOVEREIGNTY

**ARTICLE 2.** The language of the Republic shall be French.

The national emblem shall be the blue, white and red tricolour flag.

The national anthem shall be *La Marseillaise*.

The maxim of the Republic shall be "Liberty, Equality, Fraternity".

The principle of the Republic shall be: government of the people, by the people and for the people.

**ARTICLE 3.** National sovereignty shall vest in the people, who shall exercise it through their representatives and by means of referendum.

No section of the people nor any individual may arrogate to itself, or to himself, the exercise thereof.

Suffrage may be direct or indirect as provided for by the Constitution. It shall always be universal, equal and secret.

All French citizens of either sex who have reached their majority and are in possession of their civil and political rights may vote as provided for by statute.

**ARTICLE 4.** Political parties and groups shall contribute to the exercise of suffrage. They shall be formed and carry on their activities freely. They shall respect the principles of national sovereignty and democracy.

They shall contribute to the implementation of the principle set out in the second paragraph of article 1 as provided for by statute.

Statutes guarantee the pluralistic expression of opinions and the equitable participation of political parties and groups in the democratic life of the Nation.

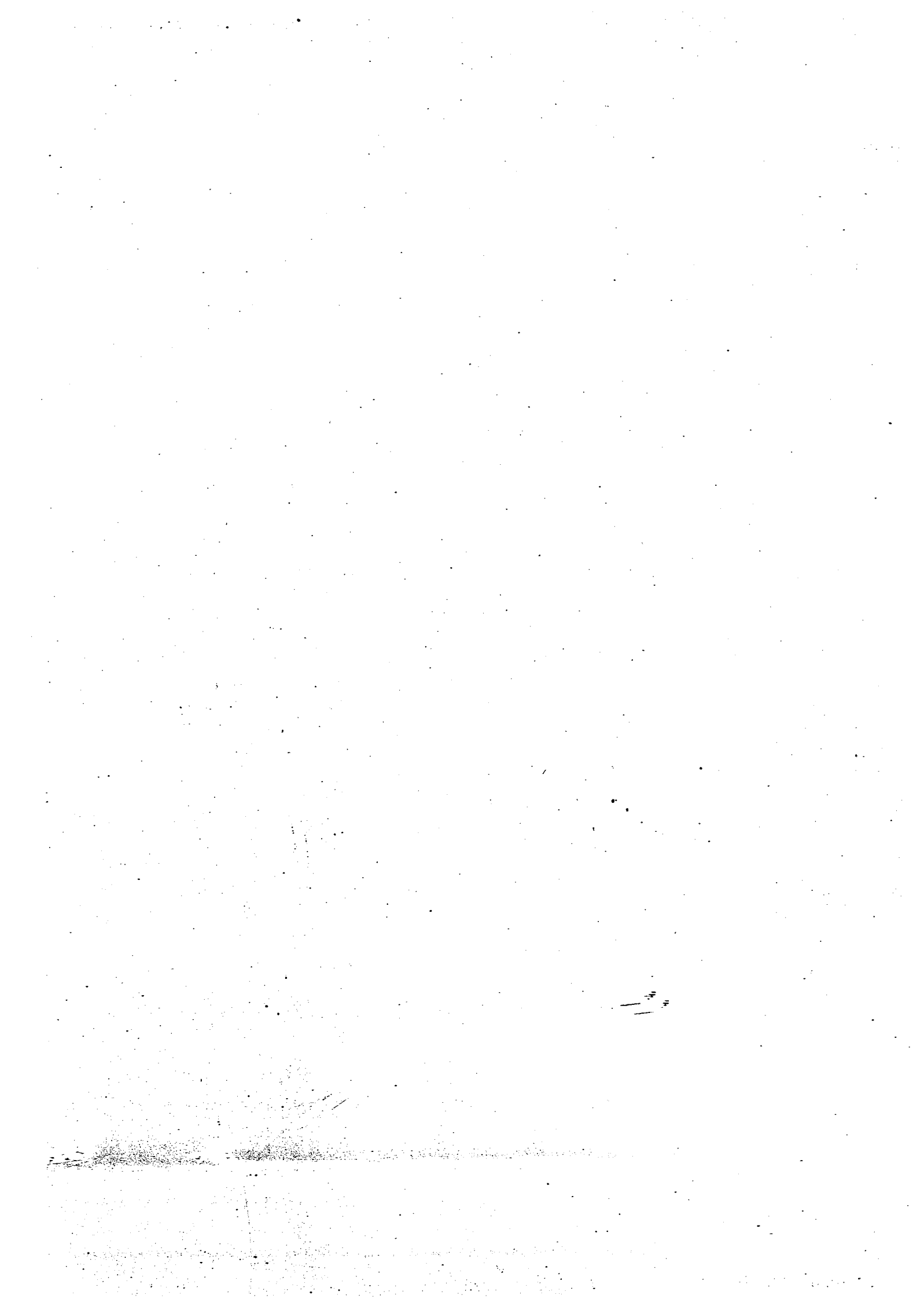
Title II

## THE PRESIDENT OF THE REPUBLIC

**ARTICLE 5.** The President of the Republic shall ensure due respect for the Constitution. He shall ensure, by his arbitration, the proper functioning of the public authorities and the continuity of the State.

He shall be the guarantor of national independence, territorial integrity and due respect for Treaties.

# India: Representation of the People Act (1951)



**GUIDELINES AND APPLICATION FORMAT FOR**  
**Registration of political parties under Section 29A of the Representation**  
**of the People Act, 1951**

*(Please read the guidelines carefully)*

For the purpose of registration of any association or body of individual citizens of India as a political party, the association or body is required to make an application **(Format at Annexure-I)** to the Election Commission of India giving therein full particulars required under sub-section (4) of Section 29A of the Representation of the People Act, 1951 and additional particulars required under the Registration of Political Parties (Furnishing of Additional Particulars) Order, 1992, separately.

2. The application should be neatly typed on the party's letter-head, if any, and it should be sent by registered post/presented personally to the Secretary to the Election Commission within 30 days following the date of the formation of the party. Any application made after the said period will be time-barred under the provisions of Section 29A(2)(b) of the Representation of the People Act, 1951. All pages of the application including annexure should be (page) numbered in continuation.

3. The application must be accompanied by the following documents/information:-

(i) Party Constitution drawn on following lines:

Article I: Name of the Party  
(Should not contain religion or caste)

Article II: Objectives of the Party  
(Should be in consonance with the Constitution of India)

Article III: Membership of the Party  
(Open to all adult Indian citizens)

Article IV: Organs of the Party (Organizational Structure)

Powers and Functions of each of these organs  
(Decision making power should reflect democratic spirit – no veto power)

Method of appointment (and terms) of members to each of these organs

(Not more than 1/3<sup>rd</sup> members can be nominated; Tenure should be fixed not exceeding 5 years; Periodic elections within 5 years maximum)

Article V: Office-bearers of the Party

Powers and functions of each of these office-bearers  
(Decision making power should reflect democratic spirit – no veto power)

Method of appointment (and terms) of each of these office-bearers  
(Should be elected; Not more than 1/3<sup>rd</sup> can be nominated; Fixed tenure not exceeding 5 years for everyone; Periodic elections within 5 years maximum)

Article VI: Rules of Dispute Resolution & Discipline

Article VII: Basics of Rules of Conduct of Business  
Decision making process; Meetings – quorum, notice and decision making etc. ;  
(Details can be annexed separately)

Article VIII: Party Funds & Accounts  
Party funds to be utilized for political activities; Accounts to be maintained on accrual system; To be annually audited by Auditor on the panel of CAG; Audited annual accounts to be submitted to the ECI within 6 months of the end of financial year.  
(Details can be annexed separately)

Article IX: Party Constitution's Amendment Procedure

Article X: Merger, Split and Dissolution Procedure

Article XI: Mandatory Provision under Section 29A (5) of RP Act, 1951.

(ii) A CHECKLIST, with clear answer against each item therein, may be submitted with application (Annexure-II). The relevant page no. of application, where the details of the particular item in checklist can be verified, must be indicated by you.

(iii) A Demand Draft of Rs. 10,000/- (Rupees Ten Thousand only) on account of processing fee drawn in favour of the Under Secretary, Election Commission of India, New Delhi. It may be noted that the processing fee is non-refundable.

(iv) A neatly typed/printed copy of the memorandum/rules and bye-laws/Constitution of the Party containing a specific provision as required under sub-section (5) of Section 29A of the Representation of the People Act, 1951 in the exact terms,



which reads “.....” (*Name of the party*) shall bear true faith and allegiance to the Constitution of India as by law established, and to the principles of socialism, secularism and democracy and would uphold the sovereignty, unity and integrity of India”. The above mandatory provision must be included in the text of party constitution itself as one of the clauses. As per provision to sub-section (7) of the said Section 29A of the Representation of the People Act, 1951, no association or body shall be registered as a political party unless the memorandum, rules and regulations or the constitution of such association or body conform to the above referred provision of sub-section (5) of Section 29A.

- (v) There should be a specific provision in the rules/Constitution of the party regarding internal democracy in the party, organisational elections at different levels, mode of such elections and the periodicity of such elections, term of office of the office-bearers and powers and duties of the office-bearers of the party, and the various representative bodies of the party (such as Executive Committee, Council etc.)
- (vi) Besides these particulars, procedure to be followed in the case of merger/dissolution of the Association, amendment in Party Constitution and disciplinary action against erring members of the party should be provided in the bye-laws. There should be clear provision in the party constitution about membership of the party. There should not be any discrimination in the matter of membership.
- (vii) Extracts from the latest electoral rolls in respect of atleast 100 members of the organisation (including all office-bearers/members of main decision making organs like Executive Committee/Executive Council) duly certified by the Electoral Registration Officer of concerned assembly constituency to show that they are registered electors. Alternatively, photocopies of Elector Photo Identity Cards (EPICs) of the members duly attested by a Gazetted officer or Notary should be submitted.
- (viii) An affidavit duly signed by the President/General Secretary of the applicant party and sworn before a 1<sup>st</sup> class Magistrate/Oath Commissioner/Notary Public to the effect that no member of the organisation is a member of any other political party registered with the Commission (Specimen of affidavit at Annexure- III).

- (ix) Individual affidavits from atleast 100 members of the party to the effect that the said member is a registered elector and that he is not a member of any other political party registered with the Commission. These affidavits should be on Stamp Paper of atleast Rs. 2/- denomination and duly sworn before a 1<sup>st</sup> class Magistrate/Oath Commissioner/Notary Public. These affidavits should be from those persons in respect of whom certified extracts of electoral rolls or EPICs are being furnished as mentioned in Para (v) (Specimen of affidavit at Annexure-IV).
- (x) A list of office bearers and members of the party mentioned in (vi) and (viii) above, should be submitted and the certified copy of electoral rolls or EPICs and individual affidavits should be enclosed as per the sequence of the list.
- (xi) Particulars of Bank account and Permanent Account Number (PAN), if any, in the name of the party should be furnished.
- (xii) The applicant party has to produce a 'No Objection Certificate' , in the form of an affidavit on stamp paper, from the owner of the premises where the party office is situated with certified copies of tangible proof, such as House Tax Receipt or Registry papers, etc. , of ownership of the premises.
- (xiii) The applicant has to attach a 'No Objection Certificate' from the Local Body, Municipal Corporation etc. to the effect that there is no prohibition under the rules and regulations of the authority to set up political party office in that building where the party office is situated.
- (xiv) Separate Affidavits from the office bearers of the main organs of the applicant party in respect of their Assets and Liabilities have to be furnished. (Format enclosed at Annexure-V).
- (xv) The office bearers of the applicant party have to furnish a copy of their Income Tax Returns filed for the last three years, if they are Income Tax payees. In case any office bearer is not Income Tax payee he/she has to furnish certified details of his/her monthly income alongwith source of income.
- (xvi) The details of PAN Card have to be furnished in respect of office bearers of the party.
- (xvii) Affidavits from the office bearers of the main organs of the applicant party showing information about their criminal antecedents have to be furnished in affidavit form. (Format enclosed at Annexure-VI).

- (xviii) The applicant party must submit authenticated proof to show that the party constitution has been adopted by the General Body of the party.
- (xix) The applicant party must declare in its constitution that it shall submit its audited annual financial statement to the Commission within a period of 60 days after the end of each financial year.
- (xx) The applicant party must ensure in its constitution itself, vide a specific clause in the party constitution that the party will not, in any manner, promote or instigate or participate in violence.
- (xxi) The applicant party must ensure in its constitution itself vide a specific clause in the party constitution that party will hold periodic (Period to be specified in constitution but at least once in 4 years) and regular election to all positions of office-bearers and organs of the party.
- (xxii) The applicant party must ensure in its constitution itself vide a specific clause in the party constitution that any amendment to the constitution must be approved by the General Body of the party.
- (xxiii) The party must declare in its constitution that it must contest an election conducted by the Election Commission within 5 years of its registration. *(If the Party does not contest elections continuously for 6 years, the Party shall be taken off the list of registered parties).*

4. *It is advised to ensure that the application is complete in all respects as per the CHECKLIST enclosed at Annexure-II. If any requisite information has not been furnished by you or wrongly furnished with your application (as per the CHECKLIST), it may not be possible to consider the application. Therefore, it is advised that the CHECKLIST may be filled carefully and submit alongwith application.*

5. The application alongwith all the required particulars/documents mentioned above must be made to the Commission within 30 days following the date of the formation of the party. Any application made after the said period will be time-barred under the provisions of Section 29A(2)(b) of the Representation of the People Act, 1951 and will not be considered.

6. Within 2 weeks of receipt of your duly completed application you will receive an acknowledgement of your application from the Election Commission guiding you on future course of action.

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Annexure-I

**PROFORMA OF APPLICATION FOR REGISTRATION AS A  
POLITICAL PARTY UNDER SECTION 29A OF THE  
REPRESENTATION OF THE PEOPLE ACT, 1951.**

To

The Secretary  
Election Commission of India,  
Nirvachan Sadan, Ashoka Road,  
New Delhi – 110 001.

Sir,

It is requested that \_\_\_\_\_

(Name of the applicant party) may be registered as a political party under section 29A of the Representation of the People Act, 1951. The particulars required under sub-section (4) of the said Section 29A and additional particulars required under para 2 of the Registration of Political Parties (Furnishing of Additional Particulars) Order, 1992 are furnished as under:-

1. Particulars required under sub-section (4) of Section 29A of the Representation of the People Act, 1951.

- (a) the Name of the Association or Body
- (b) the State in which its head office is situated :
- (c) the address to which letters and other communications meant for it should be sent:
- (d) the names of its President, Secretary, Treasurer and other office-bearers:
- (e) the numerical strength of its members, and if there are categories of its member, the numerical strength in each category :
- (f) whether it has any local units; if so, at what levels:
- (g) whether it is represented by any member or members in either House of Parliament or of any State Legislature; if so, the number of such member or members:
- (h) Date of formation of the Association or Body:

2. **Additional Particulars required under para.2 of the Registration of Political Parties (Furnishing of Additional Particulars) Order, 1992.**

- (a) the principles on which the Association or Body is based :
- (b) the policies, aims and objects it pursues or seeks to pursue:
- (c) its programme, functions and activities for the purpose of carrying out its principles, policies, aims and objects :
- (d) the names of the main organs (by whatever name called) of the association or body, their functions and the names of the Chairman (by whatever name called), and other members of such organs:
- (e) the relationship of the Association or Body with the electors and the popular support it enjoys, along with tangible proof, if any, of such relationship and support:

3. Duly completed CHECK LIST alongwith requisite documents prescribed therein is enclosed herewith.

**Date:**

Yours faithfully,

**Signature:** \_\_\_\_\_

**Name:** \_\_\_\_\_

**Designation: (General Secretary/Chairman  
/President of the party)**

**Seal of the party:** \_\_\_\_\_

**(ANNEXURE- II)**

**CHECK LIST TO BE FILED AND ATTACHED WITH APPLICATION FOR  
REGISTRATION OF POLITICAL PARTY UNDER SECTION 29A OF THE  
REPRESENTATION OF THE PEOPLE ACT, 1951.**

The application should contain the following particulars/documents. Applicant must indicate against each of the items in CHECKLIST whether the item has been complied with or not. None of the items should be left. Application with incomplete CHECKLIST will be summarily rejected:-

| Sl. No. | Item  | Applicant Remarks | Reference page No. |
|---------|---|-------------------|--------------------|
| 1.      | <u>Has the Name of the applicant Party/Organisation</u> been given clearly? The name should be clearly different from the name of existing parties. Also, no part of the name should have any religious, communal or cast connotation.  | Yes/No            |                    |
| 2.      | <u>Has the date of formation</u> of the party been indicated both in figures and words? (Documents/evidence relating to formation of the party should be furnished.)  | Yes/No            |                    |
| 3.      | <u>Has the application to the Commission</u> been made within 30 days following the date of formation of the party?   | Yes/No            |                    |
| 4.      | Has the Demand Draft of Rs.10,000/- on account of <u>processing fee</u> been enclosed with the application? (The Demand Draft should be in favour of Under Secretary, Election Commission of India payable at Delhi. Applications received without the processing fee alongwith the application will not be taken up for scrutiny.) | Yes/No            |                    |
| 5.      | Have the following particulars required under Section 29A (4) of the Representation of the People Act, 1951 been provided in the application?   |                   |                    |
|         | (a) the Name of the association or body ;   | Yes/No            |                    |
|         | (b) the State in which its head office is situated ;  | Yes/No            |                    |
|         | (c) the address to which letters and other communications meant for it should be sent ;   | Yes/No            |                    |

|    |   | Yes/No | Reference page No. |
|----|---|--------|--------------------|
|    | (d) the names of its President, Secretary, Treasure and other office-bearers ;  | Yes/No |                    |
|    | (e) the numerical strength of its members, and if there are categories of its member, the numerical strength in each category ;   | Yes/No |                    |
|    | (f) whether it has any local units; is so, at what levels;  | Yes/No |                    |
|    | (g) whether it is represented by any member or members in either House of Parliament or of any State Legislature; if so, the number of such member or members ;   | Yes/No |                    |
| 6. | Have the following additional particulars required under Para 2 of the Registration of Political Parties (Furnishing of Additional Particulars) Order, 1992 been provided <u>separately</u> with the application?   |        |                    |
|    | (a) the principles on which the association or body is based ;  | Yes/No |                    |
|    | (b) the policies, aims and objects it pursues or seeks to pursue ;  | Yes/No |                    |
|    | (c) its program, functions and activities for the purpose of carrying out its principles, policies, aims and objects ;  | Yes/No |                    |
|    | (d) the names of the main organs (by whatever name called) of the association or body, their functions and the names of the Chairman (by whatever name called), and other members of such organs ;  | Yes/No |                    |
|    | (e) the relationship of the Association or Body with the electors and the popular support it enjoys, along with tangible proof, if any, of such relationship and support.<br><i>(None of the above items should be left blank even if some of the details are provided in the party constitution)</i> | Yes/No |                    |

|  | 7. Has the chief Executive of the party signed the application and the party constitution?   | Yes/No | Reference page No. |
|--|--|--------|--------------------|
|  | 8. Has the affidavit by President/General Secretary of the organization, duly sworn before a 1 <sup>st</sup> Class Magistrate/Oath Commissioner, affirming that <u>no member of the party is a member of any other political party already registered with the Commission, and that no proclaimed absconder is a member of the party and that all the members who have sworn affidavit as members of the party have appended their own signature/T.I. before the Notary who attested the affidavit</u> , been submitted?   | Yes/No |                    |
|  | 9. Has the total number of Members of the party been indicated (both in figures and words)?  | Yes/No |                    |
|  | 10. Have certified extracts of electoral rolls in respect of at least 100 members (including office bearers/members/Executive Committee) been furnished? (The extract should be certified by the ERO concerned. Alternatively, photocopies of EPICs of the members duly attested by a Gazetted officer or Notary should be submitted.)   | Yes/No |                    |
|  | 11. Have individual affidavits on stamp paper of at least Rs. 2/- denomination and duly sworn before a 1 <sup>st</sup> Class Magistrate/Oath Commissioner /Notary Public from the aforesaid 100 members of the organization been furnished? (In the affidavits the members should affirm that <u>(i) he/she is a member of the applicant party (name of the party should be mentioned) (ii) he/she is a registered elector in a particular constituency (name of the Constituency to be given) and (iii) he/she is not a member of any other political party registered with the Commission or whose application for registration with the commission is pending disposal</u> ). | Yes/No |                    |
|  | 12. Has a list of office bearers and members been furnished and the certified copy of electoral rolls or EPICs and individual affidavits enclosed as per the sequence of the list.   | Yes/No |                    |
|  | 13. Has a copy of the party constitution with all details and provisions regarding the administrative set-up and functioning of the party on democratic basis been enclosed with application? Especially check the following:-<br>(i) Whether the constitution has been adopted by General Body and some authenticated documentary proof enclosed?   | Yes/No |                    |



|    | (ii) Whether the constitution provides for-   | Yes/No | Reference page No. |
|----|---|--------|--------------------|
|    | (a) Periodic regular election to all offices & office bearers   | Yes/No |                    |
|    | (b) Declares democracy, socialism & secularism as its basic tenets.   | Yes/No |                    |
|    | (c) Declares that party will not, in any manner, promote or instigate or participate in violence;   | Yes/No |                    |
|    | (d) Declares that party will hold periodic (period to be specified in constitution but at least once in 4 years) elections to all positions of office bearers and organs of the party;  | Yes/No |                    |
|    | (e) Declares that party must contest an election conducted by the Election Commission within five years of its registration and thereafter should continue to contest. (if the party does not contest elections continuously for six years the party will be taken off the list of registered parties;)   | Yes/No |                    |
|    | (f) Declares that party must get its account audited during each financial year by a Chartered Accountant and submit its copy to the Election Commission within a period of 60 days after the end of each financial year.   | Yes/No |                    |
| 14 | Has the Chief Executive of the party authenticated the party constitution on each page with his full signature and the seal of the party affixed thereon?   | Yes/No |                    |
| 15 | Has the mandatory provision as in section 29A (5) of the Representation of the People Act, 1951 that ' <i>the party shall bear true faith and allegiance to the Constitution of India as by law established, and to the principles of socialism, secularism and democracy and would uphold the sovereignty, unity and integrity of India</i> ' been provided in the text of the party constitution in these exact wordings? | Yes/No |                    |
| 16 | Have the names of all main organs (committees, councils, etc. of the party) and all office bearers of the said organs been furnished.   | Yes/No |                    |

|    |  | Yes/No | Reference<br>page No. |
|----|--|--------|-----------------------|
| 17 | <p>Have functions and powers of <u>each organ</u> of the party and <u>office-bearers</u> been given? (Even if some of the organs have not been constituted at the time of submission of the application, the party Constitution should cover all organs).</p>  |        |                       |
| 18 | <p>Has it been specifically provided in the Party Constitution that <u>only Indian Citizen who have attained the age of 18 years are eligible</u> to be members of the party.</p> <p>There should be no restrictions on the membership of the party, and party membership should be open to any adult Indian Citizen.</p>  | Yes/No |                       |
| 19 | <p>Have explicit and clear provisions regarding organizational elections at different levels and term of office (normally not exceeding 4 years) of various committees/office bearers been provided in the party constitution?</p> <p>There should be clear provisions to show that all apex level committees and representative bodies of the Party are constituted through democratic election process. Nomination of members of such bodies, if at all provided, should be restricted to a minimum scale, not exceeding 1/3<sup>rd</sup> of the strength of the Committee/Body.</p> | Yes/No |                       |
| 20 | <p>Has clear provision been provided to the effect that election process to various offices of the party is democratic (No office should be hereditary or held permanently?)</p>   | Yes/No |                       |
|    | <p>Does the Party constitution also clearly show that the functioning of the party is democratic?</p>  | Yes/No |                       |
|    | <p>Is decision making process by way of majority views of the representative bodies of appropriate level?</p>  | Yes/No |                       |
| 21 | <p>Has the procedure for merger and dissolution of the party been provided in the constitution?<br/>(Such important decisions should be taken with consultation at all levels of the party. The provisions should be clear in this regard.)</p>  | Yes/No |                       |
| 22 | <p>Does the party constitution have a specific clause that any amendment to the Constitution must be approved by the General Body of the party</p>   |        |                       |
| 23 | <p>Has the procedure of disciplinary action against the erring members been given in the constitution?</p>   | Yes/No |                       |

# THE REPRESENTATION OF THE PEOPLE ACT, 1951

## ARRANGEMENT OF SECTIONS

### PART I PRELIMINARY

#### SECTIONS

1. Short title.
2. Interpretation.

### PART II QUALIFICATIONS AND DISQUALIFICATIONS CHAPTER I.—*Qualifications for Membership of Parliament*

3. Qualification for membership of the Council of States.
4. Qualifications for membership of the House of the People.

#### CHAPTER II.—*Qualifications for Membership of State Legislatures*

5. Qualifications for membership of a Legislative Assembly.
- 5A. Qualifications for membership of Legislative Assembly of Sikkim.
6. Qualifications for membership of a Legislative Council.

#### CHAPTER III.—*Disqualifications for Membership of Parliament and State Legislatures*

7. Definitions.
8. Disqualification on conviction for certain offences.
- 8A. Disqualification on ground of corrupt practices.
9. Disqualification for dismissal for corruption or disloyalty.
- 9A. Disqualification for Government contracts, etc.
10. Disqualification for office under Government company.
- 10A. Disqualification for failure to lodge account of election expenses.
11. Removal or reduction of period of disqualification.

#### CHAPTER IV.—*Disqualifications for voting*

- 11A. Disqualification arising out of conviction and corrupt practices.
- 11B. Removal of disqualifications.

### PART III NOTIFICATION OF GENERAL ELECTIONS

12. Notification for biennial election to the Council of States.
- 12A. Notification for election to fill the seat allotted to the State of Sikkim in the Council of States.
13. *[Repealed.]*
14. Notification for general election to the House of the People.

*Representation of the People Act, 1951*  
(PART II.—Acts of Parliament)

SECTIONS

- 14A. Notification for electing the representative of the State of Sikkim to the existing House of the people.
- 15. Notification for general election to a State Legislative Assembly.
- 15A. Notification for certain elections to Legislative Councils.
- 16. Notification for biennial elections to a State Legislative Council.

PART IV

ADMINISTRATIVE MACHINERY FOR THE CONDUCT OF ELECTIONS

- 19. Definition.
- 19A. Delegation of functions of Election Commission.
- 20. General duties of chief electoral officers.
- 20A. General duties of district election officer.
- 20B. Observers.
- 21. Returning officers.
- 22. Assistant returning officers.
- 23. Returning officer to include assistant returning officers performing the functions of the returning officer.
- 24. General duty of the returning officer.
- 25. Provision of polling stations for constituencies.
- 26. Appointment of presiding officers for polling stations.
- 27. General duty of the presiding officer.
- 28. Duties of a polling officer.
- 28A. Returning officer, presiding officer, etc., deemed to be on deputation to Election Commission.
- 29. Special provisions in the case of certain elections.

PART IVA

REGISTRATION OF POLITICAL PARTIES

- 29A. Registration with the Commission of associations and bodies as political parties.
- 29B. Political parties entitled to accept contribution.
- 29C. Declaration of donation received by the political parties.

PART V

CONDUCT OF ELECTIONS

CHAPTER I.—*Nomination of Candidates*

- 30. Appointment of dates for nominations, etc.
- 31. Public notice of election.
- 32. Nomination of candidates for election.
- 33. Presentation of nomination paper and requirement for a valid nomination.
- 33A. Right to information.
- 33B. Candidate to furnish information only under Act and the rules.
- 33C. Right to information.
- 33D. Candidate to furnish information only under Act and the rules.
- 34. Deposits.
- 35. Notice of nominations and the time and place for their scrutiny.
- 36. Scrutiny of nominations.
- 37. Withdrawal of candidature.
- 38. Publication of list of contesting candidates.

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39. Nomination of candidates at other elections.  
39A. Allocation of equitable sharing of time.

CHAPTER II.—*Candidates and their Agent*

40. Election agents.  
41. Disqualification for being an election agent.  
42. Revocation of the appointment, or death, of an election agent.  
43-44. [Repealed.]  
45. Functions of election agents.  
46. Appointment of polling agents.  
47. Appointment of counting agents.  
48. Revocation of the appointment, or death, of a polling agent or counting agent.  
49. Functions of polling agents and counting agents.  
50. Attendance of a contesting candidate or his election agent at polling stations and performance by him of the functions of a polling agent or counting agent.  
51. Non-attendance of polling or counting agents.

CHAPTER III.—*General Procedure at Elections*

52. Death of candidate of recognised Political Party before Poll.  
53. Procedure in contested and uncontested elections.  
54. [Repealed.]  
55. Eligibility of members of Scheduled Castes or Scheduled Tribes to hold seats not reserved for those castes or tribes.  
55A. [Repealed.]

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56. Fixing time for poll.  
57. Adjournment of poll in emergencies.  
58. Fresh poll in the case of destruction, etc., of ballot boxes.  
58A. Adjournment of poll or countermanding of election on the ground of booth capturing.  
59. Manner of voting at elections.  
60. Special procedure for voting by certain classes of persons.  
61. Special procedure for preventing personation of electors.  
61A. Voting machines at elections.  
62. Right to vote.  
63. [Repealed.]

CHAPTER V.—*Counting of Votes*

64. Counting of votes.  
64A. Destruction, loss, etc., of ballot papers at the time of counting.  
65. Equality of votes.  
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67. Report of the result.  
67A. Date of election of candidate.

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68. Vacation of seats when elected to both Houses of Parliament.  
69. Vacation of seats by persons already members of one House on election to other House of Parliament.

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70. Election to more than one seat in either House of Parliament or in the House or either House of the Legislature of a State.

CHAPTER VII. — *Publication of Election Results and Nominations*

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## THE REPRESENTATION OF THE PEOPLE ACT, 1951

ACT NO. 43 OF 1951

[17th July, 1951.]

An Act to provide for the conduct of elections of the Houses of Parliament and to the House or Houses of the Legislature of each State, the qualifications and disqualifications for membership of those Houses, the corrupt \* \* \* practices and other offences at or in connection with such elections and the decision of doubts and disputes arising out of or in connection with such elections.

BE it enacted by Parliament as follows:—

PART I  
PRELIMINARY

1. **Short title.**—This Act may be called the Representation of the People Act, 1951.

2. **Interpretation.**—(1) In this Act, unless the context otherwise requires,—

(a) each of the expressions defined in section 2 or sub-section (1) of section 27 of the Representation of the People Act 1950 (43 of 1950), but not defined in this Act, shall have the same meaning as in that Act;

(b) "appropriate authority" means, in relation to an election to the House of the People or the Council of States \* \* \*, the Central Government, and in relation to an election to the Legislative Assembly or the Legislative Council of a State, the State Government;

<sup>3</sup>[(bb) "chief electoral officer" means the officer appointed under section 13A of the Representation of the People Act, 1950 (43 of 1950);]

(c) "corrupt practice" means any of the practices specified in section 123 \* \* \*;

<sup>5</sup>[(cc) "district election officer" means the officer designated or nominated under section 13AA of the Representation of the People Act, 1950 (43 of 1950);]

(d) "election" means an election to fill a seat or seats in either House of Parliament or in the House or either House of the Legislature of a State other than the State of Jammu and Kashmir \* \* \*;

<sup>7</sup>[(e) "elector" in relation to a constituency means a person whose name is entered in the electoral roll of that constituency for the time being in force and who is not subject to any of the disqualifications mentioned in section 16 of the Representation of the People Act, 1950 (43 of 1950);]

- 
1. The words "and illegal" omitted by Act 27 of 1956, s. 2.
  2. Certain words omitted by Act 103 of 1956, s. 66.
  3. Ins. by Act 27 of 1956, s. 3.
  4. The words and figures "or section 124" omitted by s. 3, *ibid.*
  5. Ins. by Act 47 of 1966, s. 15 (w.e.f. 14-12-1966).
  6. Certain words omitted by Act 58 of 1958, s. 14.
  7. Subs. by Act 27 of 1956, s. 3, for cl. (e).

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<sup>1</sup>[(f) "political party" means an association or a body of individual citizens of India registered with the Election Commission as a political party under section 29A;]

(g) "prescribed" means prescribed by rules made under this Act;

<sup>2</sup>[(h) "public holiday" means any day which is a public holiday for the purposes of section 25 of the Negotiable Instruments Act, 1881 (26 of 1881);]

3\* \* \* \* \*

4\* \* \* \* \*

<sup>5</sup>[(i) "sign", in relation to a person who is unable to write his name, means authenticate in such manner as may be prescribed.

6\* \* \* \* \*

7\* \* \* \* \*

(2) For the purposes of this Act, \* \* \* a Parliamentary constituency, an Assembly constituency, a Council constituency, a local authorities' constituency, a graduates' constituency and a teachers' constituency shall each be treated as a constituency of a different class.

(3) Any requirement under this Act that a notification, order, rule, declaration, notice or list issued or made by any authority shall be published in the Official Gazette, shall, unless otherwise expressly provided in this Act, be construed as a requirement that the notification, order, rule, declaration, notice or list shall—

(a) where it is issued or made by the Central Government, be published in the Gazette of India;

(b) where it is issued or made by a State Government, be published in the Official Gazette of the State; and

(c) where it is issued or made by any other authority, be published in the Gazette of India if it relates to an election to, or membership of, either House of Parliament \* \* \* and in the Official Gazette of the State if it relates to an election to, or membership of, the House or either House of the Legislature of a State.

(4) Where, under any of the provisions of this Act, anything is to be prescribed, different provisions may be made for different cases or classes of cases.

- 
1. Cl.(f) which was omitted by Act 27 of 1956, s. 3, and ins. by Act 1 of 1989, s. 3 (w.e.f. 15-6-1989).
  2. Ins. by Act 47 of 1966, s. 15 (w.e.f. 14-12-1966).
  3. Cls. (h) and (i) omitted by Act 27 of 1956, s. 3.
  4. Cl. (i) re-lettered as cl. (h) by s. 3, *ibid.*, omitted by the Adaptation of Laws (No. 2) Order, 1956.
  5. Cls. (k) and (l) re-lettered as cls. (i) and (h) by Act 27 of 1956, s. 3.
  6. Cl. (j) ins. by s. 3, *ibid.*, and omitted by the Adaptation of Laws (No. 2) Order, 1956.
  7. Cl. (k) omitted by Act 47 of 1966, s. 15 (w.e.f. 14-12-1966).
  8. Certain words omitted by Act 103 of 1956, s. 66.

<sup>2</sup>[(5)] Any reference in this Act to a law which is not in force in the State of Jammu and Kashmir shall, in relation to that State, be construed as a reference to the corresponding law, if any, in force in that State.]

PART II

<sup>3</sup>[QUALIFICATIONS AND DISQUALIFICATIONS]

CHAPTER I.—*Qualifications for Membership of Parliament.*

<sup>4</sup>[3. **Qualification for membership of the Council of States.**—A person shall not be qualified to be chosen as a representative of any State <sup>5</sup>\* \* \* or Union territory in the Council of States unless he is an elector for a Parliamentary constituency <sup>6</sup>[in India].]

4. **Qualifications for membership of the House of the People.**—A person shall not be qualified to be chosen to fill a seat in the House of the People <sup>7</sup>\* \* \*, unless—

(a) in the case of a seat reserved for the Scheduled Castes in any State, he is a member of any of the Scheduled Castes, whether of that State or of any other State, and is an elector for any Parliamentary constituency;

(b) in the case of a seat reserved for the Scheduled Tribes in any State (other than those in the autonomous districts of Assam), he is a member of any of the Scheduled Tribes, whether of that State or of any other State (excluding the tribal areas of Assam), and is an elector for any Parliamentary constituency;

(c) in the case of a seat reserved for the Scheduled Tribes in the autonomous districts of Assam, he is a member of any of those Scheduled Tribes and is an elector for the Parliamentary constituency in which such seat is reserved or for any other Parliamentary constituency comprising any such autonomous district; <sup>8</sup>\* \* \*

<sup>9</sup>[(cc) in the case of the seat reserved for the Scheduled Tribes in the Union territory of <sup>10</sup>[Lakshadweep], he is a member of any of those Scheduled Tribes and is an elector for the Parliamentary constituency of that Union territory; <sup>11</sup>\* \* \*]

<sup>12</sup>[(ccc) in the case of the seat allotted to the State of Sikkim, he is an elector for the Parliamentary constituency for Sikkim;]

(d) in the case of any other seat, he is an elector for any Parliamentary constituency.

- 
1. Sub-sections (5) and (7) omitted and sub-section (6) renumbered as sub-section (5) by Act 27 of 1956, s. 3.
  2. Subs. by Act 47 of 1966, s. 15, for sub-section (5).
  3. Subs. by s. 16, *ibid.*, for the previous heading (w.e.f. 14-12-1966).
  4. Subs. by the Adaptation of Laws (No. 2) Order, 1956, for s. 3.
  5. Certain words omitted by Act 47 of 1966, s. 17 (w.e.f. 14-12-1966).
  6. Subs. by Act 40 of 2003, s. 2.
  7. Certain words omitted by Act 29 of 1975, s. 12 (w.e.f. 15-8-1975).
  8. The word "and" omitted by Act 47 of 1966, s. 18 (w.e.f. 14-12-1966).
  9. Ins. by s. 18, *ibid.* (w.e.f. 14-12-1966).
  10. Subs. by the Laccadive, Minicoy and Amindivi Islands (Alteration of Name) Adaptation of Laws Order, 1974 (w.e.f. 1-11-1973).
  11. The word "and" omitted by Act 10 of 1976, s. 2 and Sch. (w.e.f. 9-9-1975).
  12. Ins. by s. 2 and Sch., *ibid.* (w.e.f. 9-9-1975).

CHAPTER II. — *Qualifications for Membership of State Legislatures*

5. **Qualifications for membership of a Legislative Assembly.**—A person shall not be qualified to be chosen to fill a seat in the Legislative Assembly of a State unless—

(a) in the case of a seat reserved for the Scheduled Castes or for the Scheduled Tribes of that State, he is a member of any of those castes or of those tribes, as the case may be, and is an elector for any Assembly constituency in that State;

(b) in the case of a seat reserved for an autonomous district of Assam, \* \* \* he is a member of a <sup>2</sup>[Scheduled Tribe of any autonomous district] and is an elector for the Assembly constituency in which such seat or any other seat is reserved for that district; and

(c) in the case of any other seat, he is an elector for any Assembly constituency in that State:

<sup>3</sup>[Provided that for the period referred to in clause (2) of article 371A, a person shall not be qualified to be chosen to fill any seat allocated to the Tuensang district in the Legislative Assembly of Nagaland unless he is a member of the regional council referred to in that article.]

<sup>4</sup>5A. **Qualifications for membership of Legislative Assembly of Sikkim.**—<sup>5</sup>[(1)] Notwithstanding anything contained in section 5, a person shall not be qualified to be chosen to fill a seat in the Legislative Assembly of Sikkim (deemed to be the Legislative Assembly of that State duly constituted under the Constitution) unless—

(a) in the case of a seat reserved for Sikkimese of Bhutia-Lepcha origin, he is a person either of Bhutia or Lepcha origin and is an elector for any Assembly constituency in the State other than the constituency reserved for the Sanghas;

(b) in the case of a seat reserved for Sikkimese of Nepal origin, he is a person of Nepali origin and is an elector for any Assembly constituency in the State;

(c) in the case of a seat reserved for Scheduled Castes, he is a member of any of the castes specified in the Representation of Sikkim Subjects Act, 1974 and is an elector for any Assembly constituency in the State; and

(d) in the case of a seat reserved for Sanghas, he is an elector of the Sangha constituency.]

<sup>6</sup>[(2) Notwithstanding anything contained in section 5, a person shall not be qualified to be chosen to fill a seat in the Legislative Assembly of the State of Sikkim, to be constituted at any time after the commencement of the Representation of the People (Amendment) Act, 1980 (8 of 1980), unless—

(a) in the case of a seat reserved for Sikkimese of Bhutia-Lepcha origin, he is a person either of Bhutia or Lepcha origin and is an elector for any assembly constituency in the State other than the constituency reserved for the Sanghas;

(b) in the case of a seat reserved for the Scheduled Castes, he is a member of any of those castes in the State of Sikkim and is an elector for any assembly constituency in the State;

(c) in the case of a seat reserved for Sanghas, he is an elector of the Sangha constituency; and

(d) in the case of any other seat, he is an elector for any assembly constituency in the State.

1. Certain words omitted by the North-Eastern Areas (Reorganisation) (Adaptation of Laws on Union Subjects) Order, 1974 (w.e.f. 21-1-1972).

2. Subs. by Act 47 of 1966, s. 19, for "Scheduled Tribe of that district" (w.e.f. 14-12-1966).

3. Ins. by Act 27 of 1962, s. 11.

4. Ins. by Act 10 of 1976, s. 2 and Sch. (w.e.f. 9-9-1975).

5. S. 5A renumbered as sub-section (1) of that section by Act 8 of 1980, s. 3 (w.e.f. 1-9-1979).

6. Ins. by s.3, *ibid.* (w.e.f. 1-9-1979).

*Explanation.*—In this sub-section "Bhutia" includes Chumbipa, Dophapa, Dukpa, Kagatey, Sherpa, Tibetan, Tromopa and Yolmo.]

**6. Qualification for membership of a Legislative Council—(1)** A person shall not be qualified to be chosen to fill a seat in the Legislative Council of a State to be filled by election unless he is an elector for any Assembly constituency in that State.

(2) A person shall not be qualified to be chosen to fill a seat in the Legislative Council of a State to be filled by nomination by the Governor \* \* \* unless he is ordinarily resident in the State.

<sup>2</sup>[CHAPTER III.—Disqualifications for membership of Parliament and State Legislatures

**7. Definition.**—In this Chapter,—

(a) "appropriate Government" means in relation to any disqualification for being chosen as or for being a member of either House of Parliament, the Central Government, and in relation to any disqualification for being chosen as or for being a member of the Legislative Assembly or Legislative Council of a State, the State Government;

(b) "disqualified" means disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State.

**8. Disqualification on conviction for certain offences.**—<sup>3</sup>[(1) A person convicted of an offence punishable under—

(a) section 153A (offence of promoting enmity between different groups on ground of religion, race, place of birth, residence, language, etc., and doing acts prejudicial to maintenance of harmony) or section 171E (offence of bribery) or section 171F (offence of undue influence or personation at an election) or sub-section (1) or sub-section (2) of section 376 or section 376A or section 376B or section 376C, or section 376D (offences relating to rape) or section 498A (offence of cruelty towards a woman by husband or relative of a husband) or sub-section (2) or sub-section (3) of section 505 (offence of making statement creating or promoting enmity, hatred or ill-will between classes or offence relating to such statement in any place of worship or in any assembly engaged in the performance of religious worship or religious ceremonies) of the Indian Penal Code (45 of 1860); or

(b) the Protection of Civil Rights Act, 1955 (22 of 1955) which provides for punishment for the preaching and practice of "untouchability", and for the enforcement of any disability arising therefrom; or

(c) section 11 (offence of importing or exporting prohibited goods) of the Customs Act, 1962 (52 of 1962); or

(d) sections 10 to 12 (offence of being a member of an association declared unlawful, offence relating to dealing with funds of an unlawful association or offence relating to contravention of an order made in respect of a notified place) of the Unlawful Activities (Prevention) Act, 1967 (37 of 1967); or

(e) the Foreign Exchange (Regulation) Act, 1973 (46 of 1973); or

(f) the Narcotic Drugs and Psychotropic Substances Act, 1985 (61 of 1985); or

(g) section 3 (offence of committing terrorist acts) or section 4 (offence of committing disruptive activities) of the Terrorist and Disruptive Activities (Prevention) Act, 1987 (28 of 1987); or

1. The words "or the Rajpramukh, as the case may be" omitted by the Adaptation of Laws (No. 2) Order, 1956.

2. Subs. by Act 47 of 1966, s. 20, for Chapter III (w.e.f. 14-12-1966). Previous Chapter IV (ss. 10 and 11) was rep. by Act 103 of 1956, s. 66.

3. Subs. by Act 1 of 1989, s. 4, for sub-sections (1) and (2) (w.e.f. 15-3-1989).

(h) section 7 (offence of contravention of the provisions of sections 3 to 6) of the Religious Institutions (Prevention of Misuse) Act, 1988 (41 of 1988); or

(i) section 125 (offence of promoting enmity between classes in connection with the election) or section 135 (offence of removal of ballot papers from polling stations) or section 135A (offence of booth capturing) of clause (a) of sub-section (2) of section 136 (offence of fraudulently defacing or fraudulently destroying any nomination paper) of this Act; <sup>1</sup>[or]

<sup>1</sup>[(j) section 6 (offence of conversion of a place of worship) of the Places of Worship (Special Provisions) Act, 1991;] <sup>2</sup>[or]

<sup>3</sup>[(k) section 2 (offence of insulting the Indian National Flag or the Constitution of India) or section 3 (offence of preventing singing of National Anthem) of the Prevention of Insults to National Honour Act, 1971 (69 of 1971),] <sup>4</sup>[; or]

<sup>4</sup>[(l) the Commission of Sati (Prevention) Act, 1987 (3 of 1988); or

(m) the Prevention of Corruption Act, 1988 (49 of 1988); or

(n) the Prevention of Terrorism Act, 2002 (15 of 2002),]

<sup>5</sup>[shall be disqualified, where the convicted person is sentenced to—

(i) only fine, for a period of six years from the date of such conviction;

(ii) imprisonment, from the date of such conviction and shall continue to be disqualified for a further period of six years since his release.]

(2) A person convicted for the contravention of—

(a) any law providing for the prevention of hoarding or profiteering; or

(b) any law relating to the adulteration of food or drugs; or

(c) any provisions of the Dowry Prohibition Act, 1961 (28 of 1961),<sup>6\*\*\*</sup>

\* \*

(3) A person convicted of any offence and sentenced to imprisonment for not less than two years [other than any offence referred to in sub-section (1) or sub-section (2)] shall be disqualified from the date of such conviction and shall continue to be disqualified for a further period of six years since his release.]

<sup>7</sup>[(4)] Notwithstanding anything <sup>8</sup>[in sub-section (1), sub-section (2) or sub-section (3)] a disqualification under either sub-section shall not, in the case of a person who on the date of the conviction is a member of Parliament or the Legislature of a State, take effect until three months have elapsed from that date or, if within that period an appeal or application for revision is brought in respect of the conviction or the sentence, until that appeal or application is disposed of by the court.

1. Ins. by Act 42 of 1991, s. 8 (w.e.f. 18-9-1991).

2. Added by Act 21 of 1996, s. 3 (w.e.f. 1-8-1996).

3. Ins. by s. 3, *ibid.* (w.e.f. 1-8-1996).

4. Ins. by Act 9 of 2003, s. 2 (w.e.f. 7-1-2003).

5. Subs. by s. 2, *ibid.* (w.e.f. 7-1-2003).

6. Cl. (d) omitted by s. 2, *ibid.* (w.e.f. 7-1-2003).

7. Sub-section (3) renumbered as sub-section (4) by Act 1 of 1989, s. 4 (w.e.f. 15-3-1989).

8. Subs. by s. 4, *ibid.*, for certain words (w.e.f. 15-3-1989).

*Representation of the People Act, 1951*  
(PART II.—Acts of Parliament)

*Explanation.*—In this section,—

(a) "law providing for the prevention of hoarding or profiteering" means any law, or any order, rule or notification having the force of law, providing for—

- (i) the regulation of production or manufacture of any essential commodity;
- (ii) the control of price at which any essential commodity may be bought or sold;
- (iii) the regulation of acquisition, possession, storage, transport, distribution, disposal, use or consumption of any essential commodity;
- (iv) the prohibition of the withholding from sale of any essential commodity ordinarily kept for sale;

(b) "drug" has the meaning assigned to it in the Drugs and Cosmetics Act, 1940 (23 of 1940);

(c) "essential commodity" has the meaning assigned to it in the Essential Commodity Act, 1955 (10 of 1955);

(d) "food" has the meaning assigned to it in the Prevention of Food Adulteration Act, 1954 (37 of 1954).

**1[8A. Disqualification on ground of corrupt practices.—**(1) The case of every person found guilty of a corrupt practice by an order under section 99 shall be submitted, as soon as may be, after such order takes effect, by such authority as the Central Government may specify in this behalf, to the President for determination of the question as to whether such person shall be disqualified and if so, for what period:

Provided that the period for which any person may be disqualified under this sub-section shall in no case exceed six years from the date on which the order made in relation to him under section 99 takes effect.

(2) Any person who stands disqualified under section 8A of this Act as it stood immediately before the commencement of the Election Laws (Amendment) Act, 1975 (40 of 1975), may, if the period of such disqualification has not expired, submit a petition to the President for the removal of such disqualification for the unexpired portion of the said period.

(3) Before giving his decision on any question mentioned in sub-section (1) or on any petition submitted under sub-section (2), the President shall obtain the opinion of the Election Commission on such question or petition and shall act according to such opinion.]

**9. Disqualification for dismissal for corruption or disloyalty.—**(1) A person who having held an office under the Government of India or under the Government of any State has been dismissed for corruption or for disloyalty to the State shall be disqualified for a period of five years from the date of such dismissal.

(2) For the purposes of sub-section (1), a certificate issued by the Election Commission to the effect that a person having held office under the Government of India or under the Government of a State, has or has not been dismissed for corruption or for disloyalty to the State shall be conclusive proof of the fact:

Provided that no certificate to the effect that a person has been dismissed for corruption or for disloyalty to the State shall be issued unless an opportunity of being heard has been given to the said person.

**9A. Disqualification for Government contracts, etc.—**A person shall be disqualified if, and for so long as, there subsists a contract entered into by him in the course of his trade or business with the appropriate Government for the supply of goods to, or for the execution of any works undertaken by, that Government.

*Explanation.—*For the purposes of this section, where a contract has been fully performed by the person by whom it has been entered into with the appropriate Government, the contract shall be deemed not to subsist by reason only of the fact that the Government has not performed its part of the contract either wholly or in part.

**10. Disqualification for office under Government company.—**A person shall be disqualified if, and for so long as, he is a managing agent, manager or secretary of any company or corporation (other than a cooperative society) in the capital of which the appropriate Government has not less than twenty-five per cent. share.

1. Subs. by Act 40 of 1975, s. 2, for s. 8A.

**10A. Disqualification for failure to lodge account of election expenses.—**If the Election Commission is satisfied that a person—



- (a) has failed to lodge an account of election expenses within the time and in the manner required by or under this Act; and  
 (b) has no good reason or justification for the failure,

the Election Commission shall, by order published in the Official Gazette, declare him to be disqualified and any such person shall be disqualified for a period of three years from the date of the order.

11. **Removal or reduction of period of disqualification.**—The Election Commission may, for reasons to be recorded, remove any disqualification under this Chapter <sup>1</sup>[(except under section 8A)] or reduce the period of any such disqualification.

#### CHAPTER IV.—Disqualifications for Voting

11A. **Disqualification arising out of conviction and corrupt practices.**—<sup>2</sup>[(1)] If any person, after the commencement of this Act,—

<sup>3</sup>\* \* \* is convicted of an offence punishable under section 171E or section 171F of the Indian Penal Code (45 of 1860), or under section 125 or section 135 or clause (a) of sub-section (2) of section 136 of this Act, <sup>4</sup>\* \* \*

<sup>5</sup>\* \* \* he shall, for a period of six years from the date of the conviction or from the date on which the order takes effect, be disqualified for voting at any election.

<sup>6</sup>[(2) Any person disqualified by a decision of the President under sub-section (1) of section 8A for any period shall be disqualified for the same period for voting at any election.

(3) The decision of the President on a petition submitted by any person under sub-section (2) of section 8A in respect of any disqualification for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State shall, so far as may be, apply in respect of the disqualification for voting at any election incurred by him under clause (b) of sub-section (1) of section 11A of this Act as it stood immediately before the commencement of the Election Laws (Amendment) Act, 1975 (40 of 1975), as if such decision were a decision in respect of the said disqualification for voting also.]

11B. **Removal of Disqualifications.**—The Election Commission may, for reasons to be recorded, remove <sup>7</sup>[any disqualification under sub-section (1) of section 11A].]

### [PART III

#### NOTIFICATION OF GENERAL ELECTIONS

12. **Notification for biennial election to the Council of States.**—For the purpose of filling the seats of members of the Council of States retiring on the expiration of their term of office the President shall, by one or more notifications published in the Gazette of India on such date or dates as may be recommended by the Election Commission, call upon the elected members of the Legislative Assembly or, as the case may be, the members of the electoral college, of each State concerned to elect members in accordance with the provisions of this Act and of the rules and orders made thereunder :

Provided that no notification under this section shall be issued more than three months prior to the date on which the term of office of the retiring members is due to expire.

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1. Ins. by Act 40 of 1975, s. 3.
  2. S. 11A re-numbered as sub-section (1) thereof by s. 4, *ibid.*
  3. The brackets and letter "(a)" omitted by Act 38 of 1978, s. 3 and the Second Sch.
  4. The word "or" omitted by s. 3 and the Second Sch. *ibid.*
  5. Cl.(b) omitted by Act 40 of 1975, s. 4.
  6. Ins. by s. 4, *ibid.*
  7. Subs. by s. 5, *ibid.*, for certain words.
  8. Subs. by Act 27 of 1956, s. 7, for Part III (ss. 12 to 18).

*Representation of the People Act, 1951*  
 (PART II.—Acts of Parliament)

<sup>1</sup>[12A. Notification for election to fill the seat allotted to the State of Sikkim in the Council of States.—For the purpose of filling for the first time the seat allotted to the State of Sikkim by the Constitution (Thirty-sixth Amendment) Act, 1975 in the Council of States, the President shall, by a notification published in the Gazette of India, on such date as may be recommended by Election Commission, call upon the elected members of the Legislative Assembly of the State of Sikkim to elect a member in accordance with the provisions of this Act and of the rules and orders made thereunder and the election so held shall for all purposes and intent be deemed to have been held under section 12.]

13. [Notification for reconstitution of electoral colleges for certain Union territories.] Rep. by the Territorial Councils Act, 1956 (103 of 1956), s. 66.

14. Notification for general election to the House of the People.—(1) A general election shall be held for the purpose of constituting a new House of the People on the expiration of the duration of the existing House or on its dissolution.

(2) For the said purpose the President shall, by one or more notifications published in the Gazette of India on such date or dates as may be recommended by the Election Commission, call upon all parliamentary constituencies to elect members in accordance with the provisions of this Act and of the rules and orders made thereunder:

Provided that where a general election is held otherwise than on the dissolution of the existing House of the People, no such notification shall be issued at any time earlier than six months prior to the date on which the duration of that House would expire under the provisions of clause (2) of article 83.

<sup>1</sup>[14A. Notification for electing the representative of the State of Sikkim to the existing House of the People.—For the purpose of electing a representative of the State of Sikkim to the House of the People, specified in clause (e) of article 371F of the Constitution, the Election Commission shall call upon the members of the Legislative Assembly of the State of Sikkim to elect the representative in accordance with such of the provisions of this Act, and the rules and orders made thereunder, as are applicable to the election of the members of the Council of States.]

15. Notification for general election to a State Legislative Assembly.—(1) A general election shall be held for the purpose of constituting a new Legislative Assembly on the expiration of the duration of the existing Assembly or on its dissolution.

(2) For the said purpose, <sup>2</sup>[the Governor or Administrator, as the case may be], <sup>3</sup>\* \* \* shall by one or more notifications published in the Official Gazette of the State on such date or dates as may be recommended by the Election Commission, call upon all Assembly constituencies in the State to elect members in accordance with the provisions of this Act and of the rules and orders made thereunder:

Provided that where a general election is held otherwise than on the dissolution of the existing Legislative Assembly, no such notification shall be issued at any time earlier than six months prior to the date on which the duration of that Assembly would expire under the provisions of clause (1), of article 172 <sup>4</sup>\* \* \* <sup>5</sup>[or under the provisions of section 5 of the Government of Union Territories Act, 1963 (20 of 1963), as the case may be.]

<sup>1</sup>[15A. Notification for certain elections to Legislative Councils.—For the purpose of constituting the Legislative Council of the State of Madhya Pradesh under the States Reorganisation Act, 1956 (37 of 1956), and constituting the Legislative Council of the State of Andhra Pradesh under the Legislative Councils Act, 1957 (37 of 1957), the Governor of each of the aforesaid States shall, by one or more notifications published in the Official Gazette of the State on such date or dates as may be recommended by the Election Commission, call upon the members of the Legislative Assembly of the State and all the Council constituencies to elect members in accordance with the provisions of this Act and of the rules and orders made thereunder.]

1. Ins. by Act 10 of 1976, s. 2 and Sch. (w.e.f. 9-9-1975).

2. Subs. by Act 20 of 1963, s. 57 and the Second Sch., for "the Governor".

3. The words "Rajpramukh, Lieutenant-Governor or Chief Commissioner, as the case may be, omitted by the Adaptation of Laws (No. 2) Order, 1956.

4. Ins. by Act 20 of 1963, s. 57 and the Second Sch.

5. Ins. by Act 37 of 1957, s. 13.

16. Notification for biennial election to a State Legislative Council.—For the purpose of filling the seats of members of the Legislative Council of a State retiring on the expiration of their term of office, the Governor <sup>1\* \* \*</sup> shall, by one or more notifications published in the Official Gazette of the State on such date or dates as may be recommended by the Election Commission call upon the members of the Legislative Assembly of the State and all the Council constituencies concerned to elect members in accordance with the provisions of this Act and of the rules and orders made thereunder:

Provided that no notification under this section shall be issued more than three months prior to the date on which the term of office of the retiring members is due to expire.]

PART IV  
ADMINISTRATIVE MACHINERY FOR THE CONDUCT OF ELECTIONS

19. Definition.—In this Part and in Part V, unless the context otherwise requires, "constituency" means <sup>2\* \* \*</sup> a Parliamentary constituency or an Assembly constituency or a Council constituency.

<sup>3</sup>[19A. Delegation of functions of Election Commission.—The functions of the Election Commission under the Constitution, the Representation of the People Act, 1950 (43 of 1950), and this Act or under the rules made thereunder may, subject to such general or special directions, if any, as may be given by the Election Commission in this behalf, be performed also by a Deputy Election Commissioner or by the Secretary to the Election Commission.]

<sup>4</sup>[20. General duties of chief electoral officers.—Subject to the superintendence, direction and control of the Election Commission, the chief electoral officer of each State shall supervise the conduct of all elections in the State under this Act.

<sup>5</sup>[20A. General duties of district election officer.—(1) Subject to the superintendence, direction and control of the chief electoral officer, the district election officer shall coordinate and supervise all work in the district or in the area within his jurisdiction in connection with the conduct of all elections to Parliament and the Legislature of the State.

(2) The district election officer shall also perform such other functions as may be entrusted to him by the Election Commission and the chief electoral officer.]

<sup>6</sup>[20B. Observers.—(1) The Election Commission may nominate an Observer who shall be an officer of Government to watch the conduct of election or elections in a constituency or a group of constituencies and to perform such other functions as may be entrusted to him by the Election Commission.

(2) The Observer nominated under sub-section (1) shall have the power to direct the returning officer for the constituency or for any of the constituencies for which he has been nominated, to stop the counting of votes at any time before the declaration of the result or not to declare the result if in the opinion of the Observer booth capturing has taken place at a large number of polling stations or at places fixed for the poll or counting of votes or any ballot papers used at a polling station or at a place fixed for the poll are unlawfully taken out of the custody of the returning officer or are accidentally or intentionally destroyed or lost or are damaged or tampered with to such an extent that the result of the poll at that polling station or place cannot be ascertained.

(3) Where an Observer has directed the returning officer under this section to stop counting of votes or not to declare the result, the Observer shall forthwith report the matter to the Election Commission and thereupon the Election Commission shall, after taking all material circumstances into account, issue appropriate directions under section 58A or section 64A or section 66.

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1. The words "or Rajpramukh, as the case may be," omitted by the Adaptation of Laws (No. 2) Order, 1956.
  2. Certain words omitted by Act 103 of 1956, s. 66.
  3. Ins. by Act 47 of 1966, s. 21 (w.e.f. 14-12-1966).
  4. Subs. by Act 27 of 1956, s. 9, for ss. 20 and 21.
  5. Ins. by Act 47 of 1966, s. 22 (w.e.f. 14-12-1966).
  6. Ins. by Act 21 of 1996, s. 4 (w.e.f. 1-8-1996).

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(PART II.—Acts of Parliament)

*Explanation.*—For the purposes of sub-section (2) and sub-section (3), "Observer" shall include a Regional Commissioner or any such officer of the Election Commission as has been assigned under this section the duty of watching the conduct of election or elections in a constituency or group of constituencies by the Commission.]

**21. Returning officers.**—For every constituency, for every election to fill a seat or seats in the Council of States and for every election by the members of the Legislative Assembly of a State to fill a seat or seats in the Legislative Council of the State, the Election Commission shall, in consultation with the Government of the State, designate or nominate a returning officer who shall be [an officer of Government or of a local authority]:

Provided that nothing in this section shall prevent the Election Commission from designating or nominating the same person to be the returning officer for more than one constituency.]

**22. Assistant returning officers.**—(1) The Election Commission may appoint one or more persons to assist any returning officer in the performance of his functions:

Provided that every such person shall be [an officer of Government or of a local authority].

(2) Every assistant returning officer shall, subject to the control of the returning officer, be competent to perform all or any of the functions of the returning officer:

Provided that no assistant returning officer shall perform any of the functions of the returning officer which relate<sup>2\*</sup> \* \* \* to the scrutiny of nominations<sup>3\*</sup> \* \* \* unless the returning officer is unavoidably prevented from performing the said function.

**23. Returning officer to include assistant returning officers performing the functions of the returning officer.**—References in this Act to the returning officer shall, unless the context otherwise requires, be deemed to include an assistant returning officer performing any function which he is authorised to perform under sub-section (2) of section 22.

**24. General duty of the returning officer.**—It shall be the general duty of the returning officer at any election to do all such acts and things as may be necessary for effectually conducting the election in the manner provided by this Act and rules or orders made thereunder.

[**25. Provision of polling stations for constituencies.**—The district election officer shall, with the previous approval of the Election Commission, provide a sufficient number of polling stations for every constituency the whole or greater part of which lies within his jurisdiction, and shall publish, in such manner as the Election Commission may direct, a list showing the polling stations so provided and the polling areas or groups of voters for which they have respectively been provided.]

**26. Appointment of presiding officers for polling stations.**—(1) The<sup>5</sup>[district election officer] shall appoint a presiding officer for each polling station and such polling officer or officers as he thinks necessary, but he shall not appoint any person who has been employed by or on behalf of, or has been otherwise working for, a candidate in or about the election:

Provided that if a polling officer is absent from the polling station, the presiding officer may appoint any person who is present at the polling station other than a person who has been employed by or on behalf of, or has been otherwise working for, a candidate in or about the election, to be the polling officer during the absence of the former officer, and inform the<sup>5</sup>[district election officer] accordingly:

<sup>6</sup>[Provided further that nothing in this sub-section shall prevent the<sup>5</sup>[district election officer] from appointing the same person to be the presiding officer for more than one polling station in the same premises.]

(2) A polling officer shall, if so directed by the presiding officer, perform all or any of the functions of a presiding officer under this Act or any rules or orders made thereunder.

1. Subs. by Act 47 of 1966, s. 23, for "an officer of Government".

2. Certain words omitted by Act 27 of 1956, s.10.

3. The words "or to the counting of votes" omitted by s. 10, *ibid.*

4. Subs. by Act 47 of 1966, s. 25, for s. 25 (w.e.f. 14-12-1966).

5 Subs. by s. 26, *ibid.*, for "returning officer" (w.e.f. 14-12-1966).

6. Ins. by Act 27 of 1956, s.12.

(3) If the presiding officer, owing to illness or other unavoidable cause, is obliged to absent himself from the polling station, his functions shall be performed by such polling officer as has been previously authorized by the<sup>1</sup>[district election officer] to perform such functions during any such absence.

(4) References in this Act to the presiding officer shall, unless the context otherwise requires, be deemed to include any person performing any function which he is authorized to perform under sub-section (2) or sub-section (3), as the case may be.

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27. **General duty of the presiding officer.**—It shall be the general duty of the presiding officer at a polling station to keep order thereat and to see that the poll is fairly taken.

28. **Duties of a polling officer.**—It shall be the duty of the polling officers at a polling station to assist the presiding officer for such station in the performance of his functions.

<sup>3</sup>28A. **Returning officer, presiding officer, etc., deemed to be on deputation to Election Commission.**—The returning officer, assistant returning officer, presiding officer, polling officer, and any other officer appointed under this Part, and any police officer designated for the time being by the State Government, for the conduct of any election shall be deemed to be on deputation to the Election Commission for the period commencing on and from the date of the notification calling for such election and ending with the date of declaration of the results of such election and accordingly, such officers shall, during that period, be subject to the control, superintendence and discipline of the Election Commission.

29. **Special provisions in the case of certain elections.**—(1) The returning officer for an election<sup>4</sup> \* \* \* to fill a seat or seats in the Council of States or for an election by the members of the Legislative Assembly of a State to fill a seat or seats in the Legislative Council of the State shall, with the previous approval of the Election Commission, fix the place at which the poll will be taken for such election and shall notify the place so fixed in such manner as the Election Commission may direct.

(2) The returning officer shall preside over such election at the place so fixed and shall appoint such polling officer or officers to assist him as he thinks necessary but he shall not appoint any person who has been employed by or on behalf of, or has been otherwise working for, a candidate in or about the election.

#### <sup>5</sup>[PART IVA

##### REGISTRATION OF POLITICAL PARTIES

29A. **Registration with the Election Commission of associations and bodies as political parties.**—(1) Any association or body of individual citizens of India calling itself a political party, and intending to avail itself of the provisions of this Part shall make an application to the Election Commission for its registration as a political party for the purposes of this Act.

(2) Every such application shall be made,—

(a) if the association or body is in existence at the commencement of the Representation of the People (Amendment) Act, 1988 (1 of 1989), within sixty days next following such commencement;

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1. Subs. by Act 47 of 1966, s. 26, for "returning officer" (w.e.f. 14-12-1966.)
  2. Sub-section (3), ins. by s. 12, *ibid.* (w.e.f. 14-12-1966) and omitted by Act 2 of 2004, s.3.
  3. Ins. by Act 1 of 1989, s. 5 (w.e.f. 15-3-1989.)
  4. The words and brackets "(other than a primary election)" omitted by Act 27 of 1956, s. 13.
  5. Ins. by Act 1 of 1989, s. 6 (w.e.f. 15-6-1989).

#### *Representation of the People Act, 1951* (PART II.—Acts of Parliament)

(b) if the association or body is formed after such commencement, within thirty days next following the date of its formation.

(3) Every application under sub-section (1) shall be signed by the chief executive officer of the association or body (whether such chief executive officer is known as Secretary or by any other designation) and presented to the Secretary to the Commission or sent to such Secretary by registered post.

(4) Every such application shall contain the following particulars, namely:—

- (a) the name of the association or body;
- (b) the State in which its head office is situate;
- (c) the address to which letters and other communications meant for it should be sent;
- (d) the names of its president, secretary, treasurer and other office-bearers;
- (e) the numerical strength of its members, and if there are categories of its members, the numerical strength in each category;
- (f) whether it has any local units; if so, at what levels;
- (g) whether it is represented by any member or members in either House of Parliament or of any State Legislature; if so, the number of such member or members.

(5) The application under sub-section (1) shall be accompanied by a copy of the memorandum or rules and regulations of the association or body, by whatever name called, and such memorandum or rules and regulations shall contain a specific provision that the association or body shall bear true faith and allegiance to the Constitution of India as by law established, and to the principles of socialism, secularism and democracy, and would uphold the sovereignty, unity and integrity of India.

(6) The Commission may call for such other particulars as it may deem fit from the association or body.

(7) After considering all the particulars as aforesaid in its possession and any other necessary and relevant factors and after giving the representatives of the association or body reasonable opportunity of being heard, the Commission shall decide either to register the association or body as a political party for the purposes of this Part, or not so to register it; and the Commission shall communicate its decision to the association or body:

Provided that no association or body shall be registered as a political party under this sub-section unless the memorandum or rules and regulations of such association or body conform to the provisions of sub-section (5).

(8) The decision of the Commission shall be final.

(9) After an association or body has been registered as a political party as aforesaid, any change in its name, head office, office-bearers, address or in any other material matters shall be communicated to the Commission without delay.]

[29B. Political parties entitled to accept contribution.—Subject to the provisions of the Companies Act, 1956 (1 of 1956), every political party may accept any amount of contribution voluntarily offered to it by any person or company other than a Government company:

Provided that no political party shall be eligible to accept any contribution from any foreign source defined under clause (e) of section 2 of the Foreign Contribution (Regulation) Act, 1976 (49 of 1976).

1. Ins. by Act 46 of 2003, s. 2.

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*Explanation.*—For the purposes of this section and section 29C,—

- (a) “company” means a company as defined in section 3;

(b) "Government company" means a company within the meaning of section 617; and

(c) "contribution" has the meaning assigned to it under section 293A,

of the Companies Act, 1956 (1 of 1956) and includes any donation or subscription offered by any person to a political party; and

(d) "person" has the meaning assigned to it under clause (31) of section 2 of the Income-tax Act, 1961 (43 of 1961), but does not include Government company, local authority and every artificial juridical person wholly or partially funded by the Government.

**29C. Declaration of donation received by the political parties.**—(1) The treasurer of a political party or any other person authorised by the political party in this behalf shall, in each financial year, prepare a report in respect of the following, namely:

(a) the contribution in excess of twenty thousand rupees received by such political party from any person in that financial year;

(b) the contribution in excess of twenty thousand rupees received by such political party from companies other than Government companies in that financial year.

(2) The report under sub-section (1) shall be in such form as may be prescribed.

(3) The report for a financial year under sub-section (1) shall be submitted by the treasurer of a political party or any other person authorised by the political party in this behalf before the due date for furnishing a return of its income of that financial year under section 139 of the Income-tax Act, 1961 (43 of 1961), to the Election Commission.

(4) Where the treasurer of any political party or any other person authorised by the political party in this behalf fails to submit a report under sub-section (3) then, notwithstanding anything contained in the Income-tax Act, 1961 (43 of 1961), such political party shall not be entitled to any tax relief under that Act.]

## PART V CONDUCT OF ELECTIONS

### CHAPTER I.—*Nomination of Candidates*

**[30. Appointment of dates for nominations, etc.**—As soon as the notification calling upon a constituency to elect a member or members is issued, the Election Commission shall, by notification in the Official Gazette, appoint—

(a) the last date for making nominations, which shall be the <sup>2</sup>[seventh day] after the date of publication of the first-mentioned notification or, if that day is a public holiday, the next succeeding day which is not a public holiday;

1. Subs. by Act 27 of 1956, s. 14, for s. 30.

2. Subs. by Act 40 of 1961, s. 7, for "tenth day" (w.e.f. 20-9-1961).

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(b) the date for the scrutiny of nominations, which shall be <sup>1</sup>[the day immediately following] the last date for making nominations or, if that day is a public holiday, the next succeeding day which is not a public holiday;

(c) the last date for the withdrawal of candidatures, which shall be <sup>2</sup>[the second day] after the date for the scrutiny of nominations or, if that day is a public holiday, the next succeeding day which is not a public holiday;

(d) the date or dates on which a poll shall, if necessary, be taken, which or the first of which shall be a date not earlier than the <sup>3</sup>[fourteenth day] after the last date for the withdrawal of candidatures; and

(e) the date before which the election shall be completed.

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**31. Public notice of election.**—On the issue of a notification under section 30, the returning officer<sup>5\*\*\*</sup> shall give public notice of the intended election in such form and manner as may be prescribed, inviting nominations of candidates for such election and specifying the place at which the nomination papers are to be delivered.

**32. Nomination of candidates for election.**—Any person may be nominated as a candidate for election to fill a seat <sup>6\*\*\*</sup> if he is qualified to be chosen to fill that seat under the provisions of the Constitution and this Act <sup>7\*\*\*</sup> [or under the provisions of the Government of Union Territories Act, 1963 (20 of 1963), as the case may be.]

<sup>9</sup>[**33. Presentation of nomination paper and requirements for a valid nomination.**—(1) On or before the date appointed under clause (a) of section 30 each candidate shall, either in person or by his proposer, between the hours of eleven o'clock in the forenoon and three o'clock in the afternoon deliver to the returning officer at the place specified in this behalf in the notice issued under section 31 a nomination paper completed in the prescribed form and signed by the candidate and by an elector of the constituency as proposer :

<sup>10</sup>[Provided that a candidate not set up by a recognised political party, shall not be deemed to be duly nominated for election from a constituency unless the nomination paper is subscribed by ten proposers being electors of the constituency:

Provided further that no nomination paper shall be delivered to the returning officer on a day which is a public holiday:

Provided also that in the case of a local authorities' constituency, graduates' constituency or teachers' constituency, the reference to "an elector of the constituency as proposer" shall be construed as a reference to ten per cent. of the electors of the constituency or ten such electors, whichever is less, as proposers.]

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1. Subs. by Act 47 of 1966, s. 27, for "the second day after" (w.e.f. 14-12-1966).
  2. Subs. by s. 27, *ibid.*, for "the third day" (w.e.f. 14-12-1966).
  3. Subs. by Act 21 of 1996, s. 5, for "twentieth day" (w.e.f. 1-8-1996).
  4. Explanation omitted by Act 47 of 1966, s. 27 (w.e.f. 14-12-1966).
  5. The words "for the constituency" omitted by s. 28, *ibid.* (w.e.f. 14-12-1966).
  6. The words "in any constituency" omitted by Act 27 of 1956, s. 15.
  7. Certain words ins. by s. 15, *ibid.*, and omitted by the Adaptation of Laws (No. 2) Order, 1956.
  8. Ins. by Act 20 of 1963, s. 57 and the Second Sch.
  9. Subs. by Act 27 of 1956, s. 16, for s. 33.
  10. Subs. by Act 21 of 1996, s. 6, for the provisos (w.e.f. 1-8-1996).

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(PART II.—Acts of Parliament)

<sup>1</sup>[(1A) Notwithstanding anything contained in sub-section (1) for election to the Legislative Assembly of Sikkim (deemed to be the Legislative Assembly of that State duly constituted under the Constitution), the nomination paper to be delivered to the returning officer shall be in such form and manner as may be prescribed :



Provided that the said nomination paper shall be subscribed by the candidate as assenting to the nomination, and—

(a) in the case of a seat reserved for Sikkimese of Bhutia-Lepcha origin, also by at least twenty electors of the constituency as proposers and twenty electors of the constituency as seconders;

(b) in the case of a seat reserved for Sanghas, also by at least twenty electors of the constituency as proposers and at least twenty electors of the constituency as seconders;

(c) in the case of a seat reserved for Sikkimese of Nepali origin, by an elector of the constituency as proposer:

Provided further that no nomination paper shall be delivered to the returning officer on a day which is a public holiday.]

(2) In a constituency where any seat is reserved, a candidate shall not be deemed to be qualified to be chosen to fill that seat unless his nomination paper contains a declaration by him specifying the particular caste or tribe of which he is a member and the area in relation to which that caste or tribe is a Scheduled Caste or, as the case may be, a Scheduled Tribe of the State.

(3) Where the candidate is a person who, having held any office referred to in <sup>2</sup>[section 9] has been dismissed and a period of five years has not elapsed since the dismissal, such person shall not be deemed to be duly nominated as a candidate unless his nomination paper is accompanied by a certificate issued in the prescribed manner by the Election Commission to the effect that he has not been dismissed for corruption or disloyalty to the State.

(4) On the presentation of a nomination paper, the returning officer shall satisfy himself that the names and electoral roll numbers of the candidate and his proposer as entered in the nomination paper are the same as those entered in the electoral rolls :

<sup>3</sup>[Provided that no misnomer or inaccurate description or clerical, technical or printing error in regard to the name of the candidate or his proposer or any other person, or in regard to any place, mentioned in the electoral roll or the nomination paper and no clerical, technical or printing error in regard to the electoral roll numbers of any such person in the electoral roll or the nomination paper, shall affect the full operation of the electoral roll or the nomination paper with respect to such person or place in any case where the description in regard to the name of the person or place is such as to be commonly understood; and the returning officer shall permit any such misnomer or inaccurate description or clerical, technical or printing error to be corrected and where necessary, direct that any such misnomer, inaccurate description, clerical, technical or printing error in the electoral roll or in the nomination paper shall be overlooked.]

(5) Where the candidate is an elector of a different constituency, a copy of the electoral roll of that constituency or of the relevant part thereof or a certified copy of the relevant entries in such roll shall, unless it has been filed along with the nomination paper, be produced before the returning officer at the time of scrutiny.

<sup>4</sup>[(6) Nothing in this section shall prevent any candidate from being nominated by more than one nomination paper:

Provided that not more than four nomination papers shall be presented by or on behalf of any candidate or accepted by the returning officer for election in the same constituency.]

<sup>5</sup>[(7) Notwithstanding anything contained in sub-section (6) or in any other provisions of this Act, a person shall not be nominated as a candidate for election,—

(a) in the case of a general election to the House of the People (whether or not held simultaneously from all Parliamentary constituencies), from more than two Parliamentary constituencies;

1. Ins. by Act 10 of 1976, s. 2 and Sch. (w.e.f. 9-9-1975).

2. Subs. by Act 38 of 1978, s. 3 and the Second Sch., for "clause f) of section 7".

3. Subs. by Act 47 of 1966, s. 29, for the proviso (w.e.f. 14-12-1966).

4. Subs. by Act 40 of 1961, s. 8, for sub-section (6) (w.e.f. 20-9-1961).

5. Ins. by Act 21 of 1996, s. 6 (w.e.f. 1-8-1996).

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(b) in the case of a general election to the Legislative Assembly of a State (whether or not held simultaneously from all Assembly constituencies), from more than two Assembly constituencies in that State;

(c) in the case of a biennial election to the Legislative Council of a State having such Council, from more than two Council constituencies in the State;

(d) in the case of a biennial election to the Council of States for filling two or more seats allotted to a State, for filling more than two such seats;

(e) in the case of bye-elections to the House of the People from two or more Parliamentary constituencies which are held simultaneously, from more than two such Parliamentary constituencies;

(f) in the case of bye-elections to the Legislative Assembly of a State from two or more Assembly constituencies which are held simultaneously, from more than two such Assembly constituencies;

(g) in the case of bye-elections to the Council of States for filling two or more seats allotted to a State, which are held simultaneously, for filling more than two such seats;

(h) in the case of bye-elections to the Legislative Council of a State having such Council from two or more Council constituencies which are held simultaneously, from more than two such Council constituencies.

*Explanation.*—For the purposes of this sub-section, two or more bye-elections shall be deemed to be held simultaneously where the notification calling such bye-elections are issued by the Election Commission under section 147, section 149, section 150 or, as the case may be, section 151 on the same date.]

<sup>1</sup>[33A. **Right to information.**—(1) A candidate shall, apart from any information which he is required to furnish, under this Act or the rules made thereunder, in his nomination paper delivered under sub-section (1) or section 33, also furnish the information as to whether—

(i) he is accused of any offence punishable with imprisonment for two years or more in a pending case in which a charge has been framed by the court of competent jurisdiction;

(ii) he has been convicted of an offence [other than any offence referred to in sub-section (1) or sub-section (2), or covered in sub-section (3), of section 8] and sentenced to imprisonment for one year or more.

(2) The candidate of his proposer, as the case may be, shall, at the time of delivering to the returning officer the nomination paper under sub-section (1) of section 33, also deliver to him an affidavit sworn by the candidate in a prescribed form very fine the information specified in sub-section (1).

(3) The returning officer shall, as soon as may be after the furnishing of information to him under sub-section (1), display the aforesaid information by affixing a copy of the affidavit, delivered under sub-section (2), at a conspicuous place at his office for the information of the electors relating to a constituency for which the nomination paper is delivered.]

<sup>2</sup>[33B. **Candidate to furnish information only under the Act and the rules.**—Notwithstanding anything contained in any judgment, decree or order of any court or any direction, order or any other instruction issued by the Election Commission, no candidate shall be liable to disclose or furnish any such information, in respect of his election which is not required to be disclosed or furnished under this Act or the rules made thereunder.]

34. **Deposits.**—<sup>3</sup>[(1) A candidate shall not be deemed to be duly nominated for election from a constituency unless he deposits or causes to be deposited,—

(a) in the case of an election from a Parliamentary constituency, a sum of ten thousand rupees or where the candidate is a member of a Scheduled Caste or Scheduled Tribe, a sum of five thousand rupees; and

1. Ins. by Act 72 of 2002, s. 2 (w.e.f. 24-8-2002).

2. Subs. by s. 3, *ibid.* (w.e.f. 2-5-2002).

3. Subs. by Act 21 of 1996, s. 7, for sub-section (1) (w.e.f. 1-8-1996).

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(b) in the case of an election from an Assembly or Council constituency, a sum of five thousand rupees or where the candidate is a member of a Scheduled Caste or Scheduled Tribe, a sum of two thousand and five hundred rupees :

Provided that where a candidate has been nominated by more than one nomination paper for election in the same constituency, not more than one deposit shall be required of him under this sub-section.]

(2) Any sum required to be deposited under sub-section (1) shall not be deemed to have been deposited under that sub-section unless at the time of delivery of the nomination paper <sup>1</sup>[under sub-section (1) or, as the case may be, sub-section (1A) of section 33] the candidate has either deposited or caused to be deposited that sum with the returning officer in cash or enclosed with the nomination paper a receipt showing that the said sum has been deposited by him or on his behalf in the Reserve Bank of India or in a Government Treasury.

35. Notice of nominations and the time and place for their scrutiny.—The returning officer shall, on receiving the nomination paper <sup>1</sup>[under sub-section (1) or, as the case may be, sub-section (1A) of section 33], inform the person or persons delivering the same of the date, time and place fixed for the scrutiny of nominations and shall enter on the nomination paper its serial number, and shall sign thereon a certificate stating the date on which and the hour at which the nomination paper has been delivered to him; and shall, as soon as may be thereafter, cause to be affixed in some conspicuous place in his office a notice of the nomination containing descriptions similar to those contained in the nomination paper, both of the candidate and of <sup>2</sup>[the proposer].

36. Scrutiny of nominations.—(1) On the date fixed for the scrutiny of nominations under section 30, the candidates, their election agents, one proposer <sup>3\* \* \*</sup> of each candidate, and one other person duly authorized in writing by each candidate, but no other person, may attend at such time and place as the returning officer may appoint; and the returning officer shall give them all reasonable facilities for examining the nomination papers of all candidates which have been delivered within the time and in the manner laid down in section 33.

(2) The returning officer shall then examine the nomination papers and shall decide all objections which may be made to any nomination and may, either on such objection or on his own motion, after such summary inquiry, if any, as he thinks necessary, <sup>4</sup>[reject] any nomination on any of the following grounds:—

<sup>5</sup>[(a) <sup>6</sup>[that on the date fixed for the scrutiny of nominations the candidate] either is not qualified or is disqualified for being chosen to fill the seat under any of the following provisions that may be applicable, namely:

Articles 84, 102, 173 and 191, <sup>7\* \* \*</sup>

<sup>8</sup>[Part II of this Act, and sections 4 and 14 of the Government of Union Territories Act, 1963 (20 of 1963)] <sup>9\*\*\*</sup>; or

(b) that there has been a failure to comply with any of the provisions of section 33 or section 34; or

(c) that the signature of the candidate or the proposer on the nomination paper is not genuine.

(3) Nothing contained in <sup>10</sup>[clause (b) or clause (c)] of sub-section (2) shall be deemed to authorize the <sup>11</sup>[rejection] of the nomination of any candidate on the ground of any irregularity in respect of a nomination paper, if the candidate has been duly nominated by means of another nomination paper in respect of which no irregularity has been committed.

1. Subs. by Act 10 of 1976, s. 2 and Sch., for certain words (w.e.f. 9-9-1975).

2. Subs. by Act 27 of 1956, s. 18, for certain words.

3. The words "and one seconder" omitted by s. 19, *ibid.*

4. Subs. by Act 27 of 1956, s. 19, for "refuse".

5. Subs. by s. 19, *ibid.*, for cls. (a) to (e).

6. Subs. by Act 40 of 1961, s. 9, for "that the candidate" (w.e.f. 20-9-1961).

7. The word "and" ins. by the Adaptation of Laws (No. 2) Order, 1956 and omitted by Act 20 of 1963, s. 57 and the Second Sch.

8. Subs. by Act 20 of 1963, s. 57 and the Second Sch. for certain words.

9. Certain words omitted by the Adaptation of Laws (No. 2) Order, 1956.

10. Subs. by Act 27 of 1956, s. 19, for "clause (c), clause (d) or clause (e)".

11. Subs. by s. 19, *ibid.*, for "refusal".

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(4) The returning officer shall not reject any nomination paper on the ground of any <sup>1\* \* \*</sup> defect which is not of a substantial character.

(5) The returning officer shall hold the scrutiny on the date appointed in this behalf under clause (b) of section 30 and shall not allow any adjournment of the proceedings except when such proceedings are interrupted or obstructed by riot or open violence or by causes beyond his control:

Provided that in case <sup>2</sup>[an objection is raised by the returning officer or is made by any other person] the candidate concerned may be allowed time to rebut it not later than the next day but one following the date fixed for scrutiny, and the returning officer shall record his decision on the date to which the proceedings have been adjourned.

(6) The returning officer shall endorse on each nomination paper his decision accepting or rejecting the same and, if the nomination paper is rejected, shall record in writing a brief statement of his reasons for such rejection.

<sup>3</sup>[(7) For the purposes of this section, a certified copy of an entry in the electoral roll for the time being in force of a constituency shall be conclusive evidence of the fact that the person referred to in that entry is an elector for that constituency, unless it is proved that he is subject to a disqualification mentioned in section 16 of the Representation of the People Act, 1950 (43 of 1950).

(8) Immediately after all the nomination papers have been scrutinized and decisions accepting or rejecting the same have been recorded, the returning officer shall prepare a list of validly nominated candidates, that is to say, candidates whose nominations have been found valid, and affix it to his notice board.]

37. **Withdrawal of candidature.**—(1) Any candidate may withdraw his candidature by a notice in writing which shall contain such particulars as may be prescribed and shall be subscribed by him and delivered before three o'clock in the afternoon on the day fixed under clause (c) of section 30 to the returning officer either by such candidate in person or by his proposer, \* \* \* or election agent who has been authorized in this behalf in writing by such candidate.

(2) No person who has given a notice of withdrawal of his candidature under sub-section (1) shall be allowed to cancel the notice.

<sup>5</sup>[(3) The returning officer shall, on being satisfied as to the genuineness of a notice of withdrawal and the identity of the person delivering it under sub-section (1), cause the notice to be affixed in some conspicuous place in his office.]

<sup>6</sup>38. **Publication of list of contesting candidates.**—(1) Immediately after the expiry of the period within which candidatures may be withdrawn under sub-section (1) of section 37, the returning officer shall prepare and publish in such form and manner as may be prescribed a list of contesting candidates, that is to say, candidates who were included in the list of validly nominated candidates and who have not withdrawn their candidature within the said period.

<sup>7</sup>[(2) For the purpose of listing the names under sub-section (1), the candidates shall be classified as follows, namely:

- (i) candidates of recognised political parties;
- (ii) candidates of registered political parties other than those mentioned in clause (i);
- (iii) other candidates.

1. The word "technical" omitted by Act 27 of 1956, s. 19.  
 2. Subs. by Act 40 of 1961, s. 9, for "an objection is made" (w.e.f. 20-9-1961).  
 3. Subs. by Act 27 of 1956, s. 19, for sub-section (7).  
 4. The word "seconded" and the proviso omitted by s. 20, *ibid*.  
 5. Subs. by Act 40 of 1961, s. 10, for sub-section (3) (w.e.f. 20-9-1961).  
 6. Subs. by Act 27 of 1956, s. 21, for s. 38.  
 7. Subs. by Act 21 of 1996, s. 8, for sub-section (2) (w.e.f. 1-8-1996).

(3) The categories mentioned in sub-section (2) shall be arranged in the order specified therein and the names of candidates in each category shall be arranged in alphabetical order and the addresses of the contesting candidates as given in the nomination papers together with such other particulars as may be prescribed.]

<sup>1</sup>[39. Nomination of candidates at other elections.—(1) As soon as the notification calling upon the elected members or the members of the Legislative Assembly of a State or the members of the electoral college of a <sup>2</sup>[Union territory] to elect a member or members is issued, the Election Commission shall, by notification in the Official Gazette, appoint—

(a) the last date of making nominations, which shall be the <sup>3</sup>[seventh day] after the date of publication of the first mentioned notification or, if that day is a public holiday, the next succeeding day which is not a public holiday;

(b) the date for the scrutiny of nominations, which shall be <sup>4</sup>[the day immediately following] the last date for making nominations or, if that day is a public holiday, the next succeeding day which is not a public holiday;

(c) the last date for the withdrawal of candidatures, which shall be <sup>5</sup>[the second day] after the date for the scrutiny of nominations or, if that day is a public holiday, the next succeeding day which is not a public holiday;

(d) the date or dates on which a poll shall, if necessary, be taken, which or the first of which shall be a date not earlier than the seventh day after the last date for the withdrawal of candidatures; and

(e) the date before which the election shall be completed.

\* \* \* \* \*

(2) The provisions of sections 31 to 38, excluding sub-sections (2) and (5) of section 33 and <sup>7</sup>[clause (a) of sub-section (1) of section 34], shall apply in relation to any such election as they apply in relation to an election in any constituency :

Provided that—

(a) any references in the said provisions to the electoral roll of the constituency shall, unless the context otherwise requires, be construed, in the case of an election by the members or the elected members of the Legislative Assembly of the State, as references to the list of members or elected members, as the case may be, of that Assembly maintained under sub-section (1) of section 152, and in the case of an election by the members of the electoral college of a <sup>8</sup>[Union territory], as references to the list of members of such electoral college maintained under sub-section (2) of that section;

<sup>9</sup>[(aa) the reference in the opening paragraph of sub-section (1) of section 33 to "an elector of the constituency as proposer" shall be construed as a reference to "ten per cent. of the elected members or of the members of the Legislative Assembly of a State or of the members of the electoral college of a Union territory, as the case may be, or ten members concerned, whichever is less, as proposers":

Provided that where as a result of the calculation of the percentage referred to in this clause, the number of members arrived at is a fraction and if the fraction so arrived at is more than one-half it shall be counted as one, and if the fraction so arrived at is less than one-half it shall be ignored;]

1. Subs. by Act 27 of 1956, s. 22, for s. 39.

2. Subs. by the Adaptation of Laws (No. 2) Order, 1956, for "Part C State".

3. Subs. by Act 40 of 1961, s. 11, for "tenth day" (w.e.f. 20-9-1961).

4. Subs. by Act 47 of 1966, s. 30, for "the second day after" (w.e.f. 14-12-1966).

5. Subs. by s. 30, *ibid.*, for "the third day" (w.e.f. 14-12-1966).

6. Explanation omitted by s. 30, *ibid.* (w.e.f. 14-12-1966).

7. Subs. by Act 58 of 1958, s. 19, for "section 34".

8. Subs. by the Adaptation of Laws (No. 2) Order, 1956, for "Part C State".

9. Ins. by Act 1 of 1989, s. 8 (w.e.f. 1-4-1989).

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<sup>1</sup>[(ab)] in the case of an election to the Legislative Council of a State by the members of the Legislative Assembly of that State, clause (a) of sub-section (2) of section 36 shall be construed as including a reference to sub-clause (a) of clause (3) of article 171;]

(b) any reference in the said provisions to section 30 shall be construed as references to sub-section (1) of this section; and

(c) at the time of presenting the nomination paper, the returning officer may require the person presenting the same to produce either a copy of the electoral roll, or part of the electoral roll, in which the name of the candidate is included or a certified copy of the relevant entries in such roll.]

<sup>3</sup>[39A. Allocation of equitable sharing of time.—(1) Notwithstanding anything contained in any other law for the time being in force, the Election Commission shall, on the basis of the past performance of a recognised political party, during elections, allocate equitable sharing of time on the cable television network and other electronic media in such manner as may be prescribed to display or propagate any election matter or to address public in connection with an election.

(2) The allocation of equitable sharing of time under sub-section (1), in respect of an election, shall be made after the publication of list of contesting candidates under section 38 for the election and shall be valid till forty-eight hours before the hour fixed for poll for such election.

(3) The allocation of equitable sharing of time under sub-section (1) shall be binding on all political parties concerned.

(4) The Election Commission may, for the purpose of this section, make code of conduct for cable operators and electronic media and the cable operators and every person managing or responsible for the management of the electronic media shall abide by such code of conduct.

*Explanation.*—For the purposes of this section,—

(a) “electronic media” includes radio and any other broadcasting media notified by the Central Government in the Official Gazette;

(b) “cable television network” and “cable operator” have the meanings respectively assigned to them under the Cable Television Networks (Regulation) Act, 1995 (7 of 1995).

#### CHAPTER II.—Candidates and their agents

<sup>4</sup>[40. Election agents.—A candidate at an election may appoint in the prescribed manner any one person other than himself to be his election agent and when any such appointment is made, notice of the appointment shall be given in the prescribed manner to the returning officer.]

<sup>5</sup>[41. Disqualification for being an election agent.—Any person who is for the time being disqualified under the Constitution or under this Act for being a member of either House of Parliament or the House or either House of the Legislature of a State or for voting at elections, shall, so long as the disqualification subsists, also be disqualified for being an election agent at any election.]

1. Ins. by Act 47 of 1966, s. 30 (w.e.f. 14-12-1966).

2. Cl.(aa) relettered as cl. (ab) by Act 1 of 1989, s. 8 (w.e.f. 1-4-1989).

3. Ins. by Act 46 of 2003, s. 3 (w.e.f. 24-9-2003).

4. Subs. by Act 27 of 1956, s. 23, for s. 40.

5. Subs. by Act 47 of 1966, s. 31, for s. 41 (w.e.f. 14-12-1966).

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42. Revocation of the appointment, or death, of an election agent.—(1) Any revocation of the appointment of an election agent, <sup>1\*\*\*</sup> shall be signed by the candidate, and shall operate from the date on which it is lodged with the returning officer.

<sup>2</sup>[(2) In the event of such a revocation or of the death of an election agent whether that event occurs before or during the election, or after the election but before the account of the candidate's election expenses has been lodged in accordance with the provisions of section 78, the candidate may appoint in the prescribed manner another person to be his election agent

and when such appointment is made notice of the appointment shall be given in the prescribed manner to the returning officer.]

43. [Effect of default in appointment of election agent under section 42.] Rep. by the Representation of the People (Second Amendment) Act, 1956 (27 of 1956), s. 25.

44. [Duty of the election agent to keep accounts.] Rep. by s. 25, *ibid.*

<sup>3</sup>[45. Functions of election agents.—An election agent may perform such functions in connection with the election as are authorised by or under this Act to be performed by an election agent.]

<sup>4</sup>[46. Appointment of polling agents.—A contesting candidate or his election agent may appoint in the prescribed manner such number of agents and relief agents as may be prescribed to act as polling agents of such candidate at each polling station provided under section 25 or at the place fixed under sub-section (1) of section 29 for the poll.]

<sup>5</sup>[47. Appointment of counting agents.—A contesting candidate or his election agent may appoint in the prescribed manner one or more persons, but not exceeding such number as may be prescribed, to be present as his counting agent or agents at the counting of votes, and when any such appointment is made notice of the appointment shall be given in the prescribed manner to the returning officer.]

48. Revocation of the appointment or death of a polling agent or counting agent.—(1) Any revocation of the appointment of a polling agent shall be signed by the candidate or his election agent and shall operate from the date on which it is lodged with such officer as may be prescribed, and in the event of such a revocation or of the death of a polling agent before the close of the poll, the candidate or his election agent may appoint in the prescribed manner another polling agent at any time before the poll is closed and shall forthwith give notice of such appointment in the prescribed manner to such officer as may be prescribed.

(2) Any revocation of the appointment of a counting agent shall be signed by the candidate or his election agent and shall operate from the date on which it is lodged with the returning officer, and in the event of such a revocation or of the death of a counting agent before the commencement of the counting of votes, the candidate or his election agent may appoint in the prescribed manner another counting agent at any time before the counting of votes is commenced and shall forthwith give notice of such appointment in the prescribed manner to the returning officer.

49. Functions of polling agents and counting agents.—(1) A polling agent may perform such functions in connection with the poll as are authorised by or under this Act to be performed by a polling agent.

(2) A counting agent may perform such functions in connection with the counting of votes as are authorised by or under this Act to be performed by a counting agent.

50. Attendance of contesting candidate or his election agent at polling stations, and performance by him of the functions of a polling agent or counting agent.—(1) At every election where a poll is taken, each <sup>6</sup>[contesting candidate] at such election and his election agent shall have a right to be present at any polling station provided under section 25 for the taking of the poll or at the place fixed under sub-section (1) of section 29 for the poll.

1. The words "whether he be the candidate himself or not" omitted by Act 27 of 1956, s. 24.

2. Subs. by s. 24, *ibid.*, for sub-section (2).

3. Subs. by s. 26, *ibid.*, for s. 45.

4. Subs. by s. 27, for s. 46, *ibid.*

5. Subs. by Act 27 of 1956, s. 28, *ibid.*, for s. 47.

6. Subs. by Act 58 of 1958, s. 20, for "candidate".

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(2) A <sup>1</sup>[contesting candidate] or his election agent may himself do any act or thing which any polling agent or the counting agent of such <sup>2</sup>[contesting candidate] if appointed, would have been authorised by or under this Act to do, or may assist any polling agent or the counting agent of such <sup>3</sup>[contesting candidate] in doing any such act or thing.

**51. Non-attendance of polling or counting agents.**— Where any act or thing is required or authorised by or under this Act to be done in the presence of the polling or counting agents, the non-attendance of any such agent or agents at the time and place appointed for the purpose shall not, if the act or thing is otherwise duly done, invalidate the act or thing done.

### CHAPTER III.—General Procedure at Elections

**52. Death of candidate of reorganised political party before poll**— (1) If a candidate, set up by a recognised political party,—

(a) dies at any time after 11 A.M. on the last date for making nomination and his nomination is found valid on scrutiny under section 36; or

(b) whose nomination has been found valid on scrutiny under section 36 and who has not withdrawn his candidature under section 37 dies;

and in either case, a report of his death is received at any time before the publication of the list of contesting candidate under section 38; or

(c) dies as a contesting candidate and a report of his death is received before the commencement of the poll,

the returning officer shall, upon being satisfied about the fact of the death of the candidate, by order announce an adjournment of the poll to a date to be notified later and report the fact to the Election Commission and also to the appropriate authority:

Provided that no order for adjourning a poll should be made in a case referred to in clause (a) except after the scrutiny of all the nominations including the nomination of the deceased candidate:

(2) The Election Commission shall, on receipt of a report from the returning officer under sub-section (1), call upon the recognised political party, whose candidate has died, to nominate another candidate for the said poll within seven days of issue of such notice to such recognised political party and the provisions of sections 30 to 37 shall, so far as may be, apply in relation to such nomination as they would apply to other nominations:

Provided that no person who has given a notice of withdrawal of his candidature under sub-section (1) of section 37 before the adjournment of the poll shall be ineligible for being nominated as a candidate for election after such adjournment.

(3) Where a list of contesting candidates had been published under section 38 before the adjournment of the poll under sub-section (1), the returning officer shall again prepare and publish a fresh list of contesting candidates under that section so as to include the name of the candidate who has been validly nominated under sub-section (2).

*Explanation.*—For the purposes of this section, sections 33 and 38, "recognised political party" means a political party reorganised by the Election Commission under the Election Symbols (Reservation and Allotment) Order, 1968.]

1. Subs. by Act 58 of 1958, s. 20, for "candidate".

2. Subs. by Act 2 of 1992, s. 2, for s. 52 and again subs. by Act 21 of 1996, s. 9 (w.e.f. 1-8-1996).

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**53. Procedure in contested and uncontested elections.**—<sup>1</sup>[(1) If the number of contesting candidates is more than the number of seats to be filled, a poll shall be taken.]

(2) If the number of such candidates is equal to the number of seats to be filled, the returning officer shall forthwith declare all such candidates to be duly elected to fill those seats.



(3) If the number of such candidates is less than the number of seats to be filled, the returning officer shall forthwith declare all such candidates to be elected and the <sup>2</sup>[Election Commission] shall, by notification in the Official Gazette, call upon the constituency or the elected members or the members of the State Legislative Assembly or the members of the electoral college concerned <sup>3\*\*\*</sup>, as the case may be, to elect a person or persons to fill the remaining seat or seats <sup>4\*\*\*</sup> :

Provided that where the constituency or the elected members or the members of the State Legislative Assembly or the members of the electoral college <sup>3\*\*\*</sup> having already been called upon under this sub-section, has or have failed to elect a person or the requisite number of persons, as the case may be, to fill the vacancy or vacancies, the <sup>2</sup>[Election Commission] shall not be bound to call again upon the constituency, or such members to elect a person or persons <sup>5</sup>[until it is satisfied that if called upon again, there will be no such failure on the part of the constituency or such members].

54. [Special procedure at elections in constituencies where seats are reserved for Scheduled Castes or Scheduled Tribes.] Rep. by the Representation of the People (Amendment) Act, 1961 (40 of 1961), s. 12 (w.e.f. 20-9-1961).

55. Eligibility of members of Scheduled Castes or Scheduled Tribes to hold seats not reserved for those castes or tribes.—For the avoidance of doubt it is hereby declared that a member of the Scheduled Castes or of the Scheduled Tribes shall not be disqualified to hold a seat not reserved for members of those castes or tribes, if he is otherwise qualified to hold such seats under the Constitution and this Act <sup>6</sup>[or under the Government of Union Territories Act, 1963 (20 of 1963), as the case may be.]

<sup>7</sup>[55A. [Retirement from contest at elections in Parliamentary and Assembly constituencies.] Rep. by the Representation of the People (Amendment) Act, 1958 (58 of 1958), s. 22.

#### CHAPTER IV.—The Poll

56. Fixing time for poll.—The <sup>3</sup>[Election Commission] shall fix the hours during which the poll will be taken; and the hours so fixed shall be published in such manner as may be prescribed:

Provided that the total period allotted on any one day for polling at an election in <sup>9</sup>[a Parliamentary or Assembly constituency] shall not be less than eight hours.

57. Adjournment of poll in emergencies.—(1) If at an election the proceedings at any polling station provided under section 25 or at the place fixed under sub-section (1) of section 29 for the poll are interrupted or obstructed by any riot or open violence, or if at an election it is not possible to take the poll at any polling station or such place on account of any natural calamity, or any other sufficient cause, the presiding officer for such polling station or the returning officer presiding over such place, as the case may be, shall announce an adjournment of the poll to a date to be notified later, and where the poll is so adjourned by a presiding officer, he shall forthwith inform the returning officer concerned.

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1. Subs. by Act 27 of 1956, s. 30, for sub-section (1).
  2. Subs. by s. 30, *ibid.*, for "appropriate authority".
  3. The words "or the elected members of the Coorg Legislative Council" omitted by Act 49 of 1951, s. 44 and the Fifth Sch.
  4. The words "before such date as may be appointed in this behalf by the Election Commission and specified in the notification" omitted by Act 27 of 1956, s. 30.
  5. Subs. by s. 30, *ibid.*, for "until such date as the Election Commission may specify in this behalf".
  6. Ins. by Act 20 of 1963, s. 57 and the Second Schedule. The words "or under the Government of Part C States Act, 1951 (49 of 1951), as the case may be" ins. by Act 27 of 1956, s. 32, and omitted by the Adaptation of Laws (No. 2) Order, 1956.
  7. Ins. by Act 27 of 1956, s. 33.
  8. Subs. by s. 34, *ibid.*, for "appropriate authority".
  9. Subs. by Act 58 of 1958, s. 23, for "a constituency".

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(2) Whenever a poll is adjourned under sub-section (1), the returning officer shall immediately report the circumstances to the appropriate authority and the Election Commission, and shall, as soon as may be, with the previous approval of the Election Commission, appoint the day on which the poll shall recommence, and fix the polling station or place at which and the hours during which the poll will be taken and shall not count the votes cast at such election until such adjourned poll shall have been completed.

(3) In every such case as aforesaid; the returning officer shall notify in such manner as the Election Commission may direct the date, place and hours of polling fixed under sub-section (2).

<sup>1</sup>[58. Fresh poll in the case of destruction, etc., of ballot boxes.—(1) If at any election,—

(a) any ballot box used at a polling station or at a place fixed for the poll is unlawfully taken out of the custody of the presiding officer or the returning officer, or is accidentally or intentionally destroyed or lost; or is damaged or tampered with, to such an extent, that the result of the poll at that polling station or place cannot be ascertained; or

<sup>2</sup>[(aa) any voting machine develops a mechanical failure during the course of the recording of votes; or]

(b) any such error or irregularity in procedure as is likely to vitiate the poll is committed at a polling station or at a place fixed for the poll,

the returning officer shall forthwith report the matter to the Election Commission.

(2) Thereupon the Election Commission shall, after taking all material circumstances into account; either—

(a) declare the poll at that polling station or place to be void, appoint a day, and fix the hours, for taking a fresh poll at that polling station or place and notify the day so appointed and the hours so fixed in such manner as it may deem fit, or

(b) if satisfied that the result of a fresh poll at that polling station or place will not, in any way, affect the result of the election or that <sup>3</sup>[the mechanical failure of the voting machine or] the error or irregularity in procedure is not material, issue such directions to the returning officer as it may deem proper for the further conduct and completion of the election.

(3) The provisions of this Act and of any rules or orders made thereunder shall apply to every such fresh poll as they apply to the original poll.]

<sup>3</sup>[58A. Adjournment of poll or countermanding of election on the ground of booth capturing.—(1) If at any election,—

(a) booth capturing has taken place at a polling station or at a place fixed for the poll (hereafter in this section referred to as a place) in such a manner that the result of the poll at that polling station or place cannot be ascertained; or

1. Subs. by Act 40 of 1961, s. 13, for s. 58 (w.e.f. 20-9-1961).

2. Ins. by Act 1 of 1989, s. 9 (w.e.f. 15-3-1989).

3. Ins. by Act 1 of 1989, s. 10, *ibid.* (w.e.f. 15-3-1989).

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(b) booth capturing takes place in any place for counting of votes in such a manner that the result of the counting at that place cannot be ascertained,

the returning officer shall forthwith report the matter to the Election Commission.

(2) The Election Commission shall, on the receipt of a report from the returning officer under sub-section (1) and after taking all material circumstances into account, either—

(a) declare that the poll at that polling station or place be void, appoint a day, and fix the hours, for taking fresh poll at that polling station or place and notify the date so appointed and hours so fixed in such manner as it may deem fit; or

(b) if satisfied that in view of the large number of polling stations or places involved in booth capturing the result of the election is likely to be affected, or that booth capturing had affected counting of votes in such a manner as to affect the result of the election, countermand the election in that constituency.

*Explanation.*—In this section, "booth capturing" shall have the same meaning as in section 135A.]

59. **Manner of voting at elections.**—At every election where a poll is taken votes shall be given by ballot in such manner as may be prescribed, <sup>1</sup>[and, save as expressly provided by this Act, no votes shall be received by proxy:]

<sup>2</sup>[ Provided that the votes at every election to fill a seat or seats in the Council of States shall be given by open ballot.]

<sup>3</sup>[60. **Special procedure for voting by certain classes of persons.**—Without prejudice to the generality of the provisions contained in section 59, provision may be made, by rules made under this Act, for enabling,—

(a) any of the persons as is referred to in clause (a) or clause (b) of sub-section (8) of section 20 of the Representation of the People Act, 1950 (43 of 1950), (hereinafter in this section referred to as the 1950-Act) to give his vote either in person or by postal ballot or by proxy, and not in any other manner, at an election in a constituency where poll is taken;

(b) any of the following persons to give his vote either in person or by postal ballot, and not in any other manner, at an election in a constituency where a poll is taken, namely:—

(i) any person as is referred to in clause (c) or clause (d) of sub-section (8) of section 20 of the 1950-Act;

(ii) the wife of any such person to whom the provisions of sub-section (3) of section 20 of the 1950-Act apply and such wife being ordinarily residing with that person in terms of sub-section (6) of that section;

(c) any person belonging to a class of persons notified by the Election Commission in consultation with the Government to give his vote by postal ballot, and not in any other manner, at an election in a constituency where a poll is taken subject to the fulfilment of such requirement as may be specified in those rules.

(d) any person subjected to preventive detention under any law for the time being in force to give his vote by postal ballot, and not in any other manner, at an election in a constituency where a poll is taken, subject to the fulfilment of such requirements as may be specified in those rules.]

1. Subs. by Act 24 of 2003, s. 2 (w.e.f. 22-9-2003).

2. Ins. by Act 40 of 2003, s. 3.

3. Subs. by Act 24 of 2003, s. 3, (w.e.f. 22-9-2003).

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<sup>1</sup>[61. **Special procedure for preventing personation of electors.**—With a view to preventing personation of electors provision may be made by rules made under this Act:—

(a) for the marking with indelible ink of the thumb or any other finger of every elector who applies for a ballot paper or ballot papers for the purpose of voting at a polling station before delivery of such paper or papers to him;

(b) for the production before the presiding officer or a polling officer of a polling station by every such elector as aforesaid of his identity card before the delivery of a ballot paper or ballot papers to him if under rules made in that behalf under the Representation of the People Act, 1950 (43 of 1950), electors of the constituency in which the polling station is situated have been supplied with identity cards with or without their respective photographs attached thereto; and

(c) for prohibiting the delivery of any ballot paper to any person for voting at a polling station if at the time such person applies for such paper he has already such a mark on his thumb or any other finger or does not produce on demand his identity card before the presiding officer or a polling officer of the polling station.]

<sup>2</sup>[61A. Voting machines at elections.—Notwithstanding anything contained in this Act or the rules made thereunder, the giving and recording of votes by voting machines in such manner as may be prescribed, may be adopted in such constituency or constituencies as the Election Commission may, having regard to the circumstances of each case, specify.

*Explanation.*—For the purpose of this section, "voting machine" means any machine or apparatus whether operated electronically or otherwise used for giving or recording of votes and any reference to a ballot box or ballot paper in this Act or the rules made thereunder shall, save as otherwise provided, be construed as including a reference to such voting machine wherever such voting machine is used at any election.]

62. Right to vote.—(1) No person who is not, and except as expressly provided by this Act, every person who is, for the time being entered in the electoral roll of by any constituency shall be entitled to vote in that constituency.

(2) No person shall vote at an election in any constituency if he is subject to any of the disqualifications referred to in section 16 of the Representation of the People Act, 1950 (43 of 1950).

(3) No person shall vote at a general election in more than one constituency of the same class, and if a person votes in more than one such constituency, his votes in all such constituencies shall be void.

(4) No person shall at any election vote in the same constituency more than once, notwithstanding that his name may have been registered in the electoral roll for that constituency more than once, and if he does so vote, all his votes in that constituency shall be void.

1. Subs. by Act 58 of 1958, s. 25, for s. 61.

2. Ins. by Act 1 of 1989, s. 11 (w.e.f. 15-3-1989).

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(5) No person shall vote at any election if he is confined in a prison, whether under a sentence of imprisonment or transportation or otherwise, or is in the lawful custody of the police:

Provided that nothing in this sub-section shall apply to a person subjected to preventive detention under any law for the time being in force.

<sup>1</sup>[(6) Nothing contained in sub-sections (3) and (4) shall apply to a person who has been authorised to vote as proxy for an elector under this Act in so far as he votes as a proxy for such elector.].

63. [Method of voting.] Rep. by the Representation of the People (Amendment) Act, 1961 (40 of 1961), s. 14 (w.e.f.20-9-1961).

#### CHAPTER V.—Counting of Votes

64. Counting of votes.—At every election where a poll is taken, votes shall be counted by, or under the<sup>2</sup>[supervision and direction] of, the returning officer, and each<sup>3</sup>[contesting candidate], his election agent and his<sup>4</sup>[counting agents], shall have a right to be present at the time of counting.

<sup>5</sup>[64A. Destruction, loss, etc., of ballot papers at the time of counting—(1) If at any time before the counting of votes is completed any ballot papers used at a polling station or at a place fixed for the poll are unlawfully taken out of the custody of the returning officer or are accidentally or intentionally destroyed or lost or are damaged or tampered with, to such an extent that the result of the poll at that polling station or place cannot be ascertained, the returning officer shall forthwith report the matter to the Election Commission.

(2) Thereupon, the Election Commission shall, after taking all material circumstances into account, either—

(a) direct that the counting of votes shall be stopped, declare the poll at that polling station or place to be void, appoint a day, and fix the hours, for taking a fresh poll at that polling station or place and notify the date so appointed and hours so fixed in such manner as it may deem fit, or

(b) if satisfied that the result of a fresh poll at that polling station or place will not, in any way, affect the result of the election, issue such directions to the returning officer as it may deem proper for the resumption and completion of the counting and for the further conduct and completion of the election in relation to which the votes have been counted.

(3) The provisions of this Act and of any rules or orders made thereunder shall apply to every such fresh poll as they apply to the original poll.]

65. Equality of votes.—If, after the counting of the votes is completed, an equality of votes is found to exist between any candidates, and the addition of one vote will entitle any of those candidates to be declared elected, the returning officer shall forthwith decide between those candidates by lot, and proceed as if the candidate on whom the lot falls had received an additional vote.

66. Declaration of results.—When the counting of the votes has been completed, the returning officer<sup>6</sup>[shall, in the absence of any direction by the Election Commission to the contrary, forthwith declare] the result of the election in the manner provided by this Act or the rules made thereunder.

67. Report of the result.—As soon as may be after the result of an election has been declared, the returning officer shall report the result to the appropriate authority and the Election Commission, and in the case of an election to a

1. Ins. by Act 24 of 2003, s. 4 (w.e.f. 22-9-2003).

2. Subs. by Act 27 of 1956, s. 36, for "supervision".

3. Subs. by Act 58 of 1958, s. 26, for "candidate".

4. Subs. by Act 27 of 1956, s. 36, for "counting agent".

5. Ins. by Act 47 of 1966, s. 34 (w.e.f. 14-12-1966).

6. Subs. by s. 35, *ibid.*, for "shall forthwith declare" (w.e.f. 14-12-1966).

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House of Parliament or of the Legislature of a State also to the Secretary of that House, and the appropriate authority shall cause to be published in the Official Gazette the declarations containing the names of the elected candidates.

<sup>1</sup>[67A. Date of election of candidate.—For the purposes of this Act, the date on which a candidate is declared by the returning officer under the provisions of section 53, <sup>2\*\*\*</sup>, <sup>3\*\*\*</sup> or section 66, to be elected to a House of Parliament or of the Legislature of a State <sup>4\*\*\*</sup> shall be the date of election of that candidate.]

#### CHAPTER VI.—Multiple Elections

68. Vacation of seats when elected to both Houses of Parliament.—(1) Any person who is chosen a member of both the Houses of the People and the Council of States and who has not taken his seat in either House may, by notice in writing signed by him and delivered to the Secretary to the Election Commission<sup>5</sup> [within ten days from the date, or the later of the dates, on which he is so chosen, intimate] in which of the Houses he wishes to serve, and thereupon, his seat in the House in which he does not wish to serve shall become vacant.

(2) In default of such intimation within the aforesaid period, his seat in the Council of States shall, at the expiration of that period, become vacant.

(3) Any intimation given under sub-section (1) shall be final and irrevocable.

<sup>6</sup>[(4) For the purposes of this section and of section 69, the date on which a person is chosen to be a member of either House of Parliament shall be in the case of an elected member, the date of his election and in the case of a nominated member, the date of first publication in the Gazette of India of his nomination.]

69. Vacation of seats by persons already members of one House on election to other House of Parliament.—(1) If a person who is already a member of the House of the People and has taken his seat in such House is chosen a member of the Council of States, his seat in the House of the People shall, <sup>7</sup>[on the date on which he is so chosen], become vacant.

(2) If a person who is already a member of the Council of States and has taken his seat in such Council is chosen a member of the House of the People, his seat in the Council of States shall, <sup>7</sup>[on the date on which he is so chosen], become vacant.

\*70. Election to more than one seat in either House of Parliament or in the House or either House of the legislature of a State.—If a person is elected to more than one seat in either House of Parliament or in the House or either House of the Legislature of a State, then, unless within the prescribed time he resigns all but one of the seats <sup>8</sup>[by writing under his hand addressed to the Speaker or Chairman, as the case may be, or to such other authority or officer as may be prescribed], all the seats shall become vacant.

#### CHAPTER VII.—Publication of election Results and Nominations

<sup>9</sup>[71. Publication of results of elections to the Council of States and of names of persons nominated by the President.—After the elections held in any year in pursuance of the notifications issued under section 12, there shall be notified by the appropriate authority in the Official Gazette the names of members elected by the elected members of the

1. Ins. by Act 27 of 1956, s. 37.

2. The word and figures "section 54" omitted by Act 40 of 1961, s. 15 (w.e.f. 20-9-1961).

3. The word, figures and letter " section 55A " omitted by Act 58 of 1958, s. 27.

4. Certain words omitted by Act 103 of 1956, s. 66.

5. Subs. by Act 27 of 1956, s. 38, for certain words.

6. Ins. by s. 38, *ibid.*

7. Subs. by s. 39, *ibid.*, for "on the publication in the Gazette of India of the declaration that he has been so chosen".

8. Ins. by s. 40, *ibid.*

9. Subs. by s. 41, *ibid.*, for ss. 71 to 75.

\* See rule 91 of the Conduct of Election Rules, 1961 (page 76 of Vol. II). In relation to Prohibition relating to membership both of Parliament and of a House of the Legislature of a State, see also the Prohibition of Simultaneous Membership Rules, 1950 published under articles 101(2) and 190(2) of the Constitution vide Notification No.F.46/50—C, dated 26th January, 1950, in the Gazette of India, Extraordinary, page 678 (Pages 140 of Vol. I).

Legislative Assemblies of the States and by the members of the electoral colleges for the various [Union territories] at the said elections together with the names of any persons nominated by the President of the Council of States under sub-clause (a) of clause (1) of article 80 or under any other provisions.

72. [Publication of results of elections for the reconstitution of electoral colleges for certain Union territories.] Rep. by the Territorial Councils Act, 1956 (103 of 1956), s. 66.

73. **Publication of results of general elections to the House of the People and the State Legislative Assemblies.**—Where a general election is held for the purpose of constituting a new House of the People or a new State Legislative Assembly, there shall be notified by <sup>2</sup>[the Election Commission] in the Official Gazette, as soon as may be after <sup>3</sup>[the results of the elections in all the constituencies] [other than those in which the poll could not be taken for any reason on the date originally fixed under clause (d) of section 30 or for which the time for completion of the election has been extended under the provisions of section 153] have been declared by the returning officer under the provisions of section 53 or, as the case may be, section 66, the names of the members elected for those constituencies] <sup>4</sup>\* \* \* and upon the issue of such notification that House or Assembly shall be deemed to be duly constituted:

Provided that the issue of such notification shall not be deemed—

<sup>5</sup>[(a) to preclude—

(i) the taking of the poll and the completion of the election in any Parliamentary or Assembly constituency or constituencies in which the poll could not be taken for any reason on the date originally fixed under clause (d) of section 30; or

(ii) the completion of the election in any Parliamentary or Assembly constituency or constituencies for which time has been extended under the provisions of section 153; or]

(b) to affect the duration of the House of the People or the State Legislative Assembly, if any, functioning immediately before the issue of the said notification.

<sup>6</sup>[73A. **Special provisions as to certain elections.**—Notwithstanding anything contained in section 73 or in any other provision of this Act, with respect to the general election for the purpose of constituting a new House of the People upon dissolution of the Ninth House of the People,—

(a) the notification under section 73 may be issued without taking into account the Parliamentary constituencies in the State of Jammu and Kashmir; and

(b) the Election Commission may take the steps in relation to elections from the Parliamentary constituencies in the State of Jammu and Kashmir separately and in such manner and no such date or dates as it may deem appropriate.]

74. **Publication of results of elections to the State Legislative Councils and of names of persons nominated to such Councils.**—After the elections held <sup>7</sup>[in pursuance of the notifications issued under section 15A or] in any year in pursuance of the notifications issued under section 16, there shall be notified by the appropriate authority in the Official Gazette the names of the members elected for the various Council constituencies and by the members of the Legislative Assembly of the State at the said elections together with the names of any persons nominated by the Governor <sup>8</sup>\*\*\*\* under sub-clause (e) of clause (3) of article 171.]

1. Subs. by the Adaptation of Laws (No. 2) Order, 1956, for "Part C States".

2. Subs. by Act 40 of 1961, s. 16, for "the appropriate authority" (w.e.f. 20-9-1961).

3. Subs. by Act 10 of 1967, s. 2, for certain words.

4. Certain words omitted by Act 40 of 1961, s. 16 (w.e.f. 20-9-1961).

5. Subs. by Act 10 of 1967, s. 2, for cl. (a).

6. Subs. by Act 31 of 1991, s. 2, for ss 73A and 73AA (w.e.f. 18-4-1991).

7. Ins. by Act 37 of 1957, s. 13.

8. The words " or Rajpramukh, as the case may be" omitted by the Adaptation of Laws (No. 2) Order, 1956.

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[CHAPTER VIIA.—DECLARATION OF ASSETS AND LIABILITIES

**75A. Declaration of assets and liabilities.**—(1) Every elected candidate for a House of Parliament shall, within ninety days from the date on which he makes and subscribes an oath or affirmation, according to the form set out for the purpose in the Third Schedule to the Constitution, for taking his seat in either House of Parliament, furnish the information, relating to—

- (i) the movable and immovable property of which he, his spouse and his dependant children are jointly or severally owners or beneficiaries;
- (ii) his liabilities to any public financial institution; and
- (iii) his liabilities to the Central Government or the State Government,

to the Chairman of the Council of States or the Speaker of the House of the People, as the case may be.

(2) The information under sub-section (1) shall be furnished in such form and in such manner as may be prescribed in the rules made under sub-section (3).

(3) The Chairman of the Council of States or the Speaker of the House of the People, as the case may be, may make rules for the purposes of sub-section (2).

(4) The rules made by the Chairman of the Council of States or the Speaker of the House of the People, under sub-section (3) shall be laid, as soon as may be after they are made, before the Council of States or the House of the People, as the case may be, for a total period of thirty days which may be comprised in one session or in two or more successive sessions and shall take effect upon the expiry of the said period of thirty days unless they are sooner approved with or without modifications or disapproved by the Council of States or the House of the People and where they are so approved, they shall take effect on such approval in the form in which they were laid or in such modified form, as the case may be, and where they are so disapproved, they shall be of no effect.

(5) The Chairman of the Council of States or the Speaker of the House of the People, as the case may be, may direct that any wilful contravention of the rules made under sub-section (3) by an elected candidate for a House of Parliament referred to in sub-section (1) may be dealt with in the same manner as a breach of privilege of the Council of States or the House of the People, as the case may be.

*Explanation.*—For the purposes of this section,—

- (i) “immovable property” means the land and includes any building or other structure attached to the land or permanently fastened to anything which is attached to the land;
- (ii) “movable property” means any other property which is not the immovable property and includes corporeal and incorporeal property of every description;
- (iii) “public financial institution” means a public financial institution within the meaning of section 4A of the Companies Act, 1956 (1 of 1956), and includes bank;
- (iv) “bank” referred to in clause (iii) means—

- (a) State Bank of India constituted under section 3 of the State Bank of India Act, 1955 (23 of 1955);
- (b) subsidiary bank having the meaning assigned to it in clause (k) of section 2 of the State Bank of India (Subsidiary Banks) Act, 1959 (38 of 1959);
- (c) Regional Rural Bank established under section 3 of the Regional Rural Banks Act, 1976 (21 of 1976);
- (d) corresponding new bank having the meaning assigned to it in clause (da) of section 5 of the Banking Regulation Act, 1949 (10 of 1949); and
- (e) co-operative bank having the meaning assigned to it in clause (cci) of section 5 of the Banking Regulation Act, 1949 (10 of 1949) as modified by sub-clause (i) of clause (c) of section 56 of that Act; and

(v) “dependant children” means sons and daughters who have no separate means of earning and are wholly dependant on the elected candidate referred to in sub-section (1) for their livelihood.]

1. Ins. by Act 72 of 2002, s. 4 (w.e.f. 24-8-2002).



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CHAPTER VIII.—*Election Expenses*

<sup>1</sup>[76. **Application of Chapter.**—This Chapter shall apply only to the elections to the House of the People and to the Legislative Assembly of a State.

77. **Account of election expenses and maximum thereof.**—(1) Every candidate at an election shall, either by himself or by his election agent, keep a separate and correct account of all expenditure in connection with the election incurred or authorised by him or by his election agent between <sup>2</sup>[the date on which he has been nominated] and the date of declaration of the result thereof, both dates inclusive.

<sup>3</sup>[*Explanation 1.*—For the removal of doubts, it is hereby declared that—

(a) the expenditure incurred by leaders of a political party on account of travel by air or by any other means of transport for propagating programme of the political party shall not be deemed to be the expenditure in connection with the election incurred or authorised by a candidate of that political party or his election agent for the purposes of this sub-section.

(b) any expenditure incurred in respect of any arrangements made, facilities provided or any other act or thing done by any person in the service of the Government and belonging to any of the classes mentioned in clause (7) of section 123 in the discharge or purported discharge of his official duty as mentioned in the proviso to that clause shall not be deemed to be expenditure in connection with the election incurred or authorised by a candidate or by his election agent for the purposes of this sub-section.

*Explanation 2.*—For the purposes of clause (a) of *Explanation 1*, the expression “leaders of a political party”, in respect of any election, means,—

(i) where such political party is a recognised political party, such persons not exceeding forty in number, and

(ii) where such political party is other than a recognised political party, such persons not exceeding twenty in number,

whose names have been communicated to the Election Commission and the Chief Electoral Officers of the States by the political party to be leaders for the purposes of such election, within a period of seven days from the date of the notification for such election published in the Gazette of India or Official Gazette of the State, as the case may be, under this Act:

Provided that a political party may, in the case where any of the persons referred to in clause (i) or, as the case may be, in clause (ii) dies or ceases to be a member of such political party, by further communication to the Election Commission and the Chief Electoral Officers of the States, substitute new name, during the period ending immediately before forty-eight hours ending with the hour fixed for the conclusion of the last poll for such election, for the name of such person died or ceased to be a member, for the purposes of designating the new leader in his place.]

(2) The account shall contain such particulars, as may be prescribed.

(3) The total of the said expenditure shall not exceed such amount as may be prescribed.

78. **Lodging of account with the district election officer.**—<sup>4</sup>[(1)] Every contesting candidate at an election shall, within thirty days from the date of election of the returned candidate or, if there are more than one returned candidate at the election and the dates of their election are different, the later of those two dates, lodge with the <sup>5</sup>[district election officer] an account of his election expenses which shall be a true copy of the account kept by him or by his election agent under section 77.]

1. Subs. by Act 27 of 1956, s. 42, for ss. 76 to 78.

2. Subs. by Act 40 of 1975, s. 6, for certain words (retrospectively).

3. Subs. by Act 46 of 2003, s. 4, for the *Explanation*.

4. S. 78 re-numbered as sub-section (1) of that section by Act 47 of 1966, s. 36.

5. Subs. by Act 47 of 1966, s. 36, for “returning officer”.

6. Ins. by s. 36, *ibid.* (w.e.f. 14-12-1966) and omitted by Act 2 of 2004, s. 3(5).

## (PART II.—Acts of Parliament)

<sup>1</sup>[PART VA

## FREE SUPPLY OF CERTAIN MATERIAL TO CANDIDATES OF RECOGNISED POLITICAL PARTIES

**78A. Free supply of copies of electoral rolls.**—(1) The Government shall, at any election to be held for the purposes of constituting the House of the People or the Legislative Assembly of a State, supply, free of cost, to the candidates of recognised political parties such number of copies of the electoral roll, as finally published under the Representation of the People Act, 1950 (43 of 1950) and such other material as may be prescribed.

(2) The material referred to in sub-section (1) shall be supplied,—

(i) subject to such conditions as may be imposed by the Central Government in consultation with the Election Commission with respect to the reduction of the maximum expenditure which may be incurred by the candidate under section 77; and

(ii) through such officers as may be specified by the Election Commission who shall act in accordance with such general or special directions as may be given by the Election Commission.

**78B. Supply of certain items to candidates, etc.**—(1) The Election Commission shall, at any time between the date of publication of the notification calling the election for the purposes of constituting the House of the People or the Legislative Assembly of a State and the date on which the poll is to be taken, supply or cause to be supplied, such items as the Central Government may, by order, determine in consultation with the Election Commission, to the electors in the constituencies concerned or to the candidates set up by the recognised political parties.

(2) Where the Election Commission supplies the items to the candidates under sub-section (1), the Central Government may, in consultation with the Election Commission, impose conditions with respect to the reduction of the maximum expenditure which may be incurred by the candidate under section 77.

*Explanation.*—For the purposes of section 39A, this Chapter and clause (hh) of sub-section (2) of section 169, the expression "recognised political party", has the meaning assigned to it in the Election Symbols (Reservation and Allotment) Order, 1968.]

## PART VI

## DISPUTES REGARDING ELECTIONS

CHAPTER I.—*Interpretation*

**79. Definitions.**—In this Part and in <sup>2</sup>[Part VII] unless the context otherwise requires,—

<sup>3</sup>[(a) any reference to a High Court or to the Chief Justice or Judge of a High Court shall, in relation to a Union territory having a Court of the Judicial Commissioner, be construed as a reference to the said Court of the Judicial Commissioner or to the Judicial Commissioner or any Additional Judicial Commissioner, as the case may be;]

<sup>4</sup>[(b) "candidate" means a person who has been or claims to have been duly nominated as a candidate at any election;]

(c) "costs" means all costs, charges and expenses of, or incidental to, a trial of an election petition;

(d) "electoral right" means the right of a person to stand or not to stand as, or <sup>5</sup>[to withdraw or not to withdraw] from being, a candidate, or to vote or refrain from voting at an election;

<sup>6</sup>[(e) "High Court" means the High Court within the local limits of whose jurisdiction the election to which the election petition relates has been held;]

(f) "returned candidate" means a candidate whose name has been published under section 67 as duly elected.

1. Ins. by Act 46 of 2003, s. 5.

2. Subs. by Act 47 of 1966, s. 37, for Parts VII and VIII.

3. Ins. by s. 37, *ibid.*, Original cl. (a) was omitted by Act 27 of 1956, s. 43.

4. Subs. by Act 40 of 1975, s. 7, for cl. (b) (retrospectively).

5. Subs. by Act 47 of 1966, s. 37, for "to withdraw" (w.e.f. 14-12-1966).

6. Subs. by s. 37, *ibid.*, for cl. (e) (w.e.f. 14-12-1966).

CHAPTER II.—*Presentation of Election Petitions to* <sup>1</sup>[High Court]

**80. Election petitions.**—No election shall be called in question except by an election petition presented in accordance with the provisions of this Part.

<sup>2</sup>[**80A. High Court to try election petitions.**—(1) The Court having jurisdiction to try an election petition shall be the High Court.

(2) Such jurisdiction shall be exercised ordinarily by a single Judge of the High Court and the Chief Justice shall, from time to time, assign one or more Judges for that purpose:

Provided that where the High Court consists only of one Judge, he shall try all election petitions presented to that Court.

(3) The High Court in its discretion may, in the interests of justice or convenience, try an election petition, wholly or partly, at a place other than the place of seat of the High Court.]

**81. Presentation of petitions.**—(1) An election petition calling in question any election may be presented on one or more of the grounds specified in <sup>3</sup>[sub-section (1)] of section 100 and section 101 to the <sup>4</sup>[High Court] by any candidate at such election or any elector <sup>5</sup>[within forty-five days from, but not earlier than the date of election of the returned candidate, or if there are more than one returned candidate at the election and the dates of their election are different, the later of those two dates].

*Explanation.*—In this sub-section, "elector" means a person who was entitled to vote at the election to which the election petition relates, whether he has voted at such election or not.

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<sup>7</sup>[(3) Every election petition shall be accompanied by as many copies thereof as there are respondents mentioned in the petition <sup>8</sup>\*\*\*\*, and every such copy shall be attested by the petitioner under his own signature to be a true copy of the petition.]

<sup>9</sup>[**82. Parties to the petition.**—A petitioner shall join as respondents to his petition—

(a) where the petitioner, in addition to claiming a declaration that the election of all or any of the returned candidates is void, claims a further declaration that he himself or any other candidate has been duly elected, all the contesting candidates other than the petitioner, and where no such further declaration is claimed, all the returned candidates; and

(b) any other candidate against whom allegations of any corrupt practice are made in the petition.]

<sup>10</sup>[**83. Contents of petition.**—(1) An election petition—

(a) shall contain a concise statement of the material facts on which the petitioner relies;

(b) shall set forth full particulars of any corrupt practice that the petitioner alleges, including as full a statement as possible of the names of the parties alleged to have committed such corrupt practice and the date and place of the commission of each such practice; and

1. Subs. by Act 47 of 1966, s. 39, for "Election Commission" (w.e.f. 14-12-1966).

2. Ins. by s. 38, *ibid.* (w.e.f. 14-12-1966).

3. Subs. by Act 27 of 1956, s. 44, for "sub-sections (1) and (2)".

4. Subs. by Act 47 of 1966, s. 39, for "Election Commission" (w.e.f. 14-12-1966).

5. Subs. by Act 27 of 1956, s. 44, for certain words.

6. Sub-section (2) omitted by Act 47 of 1966, s. 39 (w.e.f. 14-12-1966).

7. Ins. by Act 40 of 1961, s. 17 (w.e.f. 20-9-1961).

8. Certain words omitted by Act 47 of 1966, s. 39 (w.e.f. 14-12-1966).

9. Subs. by Act 27 of 1956, s. 45, for s. 82.

10. Subs. by s. 46, *ibid.*, for s. 83.

## (PART II.—Acts of Parliament)

(c) shall be signed by the petitioner and verified in the manner laid down in the Code of Civil Procedure, 1908 (5 of 1908) for the verification of pleadings:

<sup>1</sup>[Provided that where the petitioner alleges any corrupt practice, the petition shall also be accompanied by an affidavit in the prescribed form in support of the allegation of such corrupt practice and the particulars thereof.]

(2) Any schedule or annexure to the petition shall also be signed by the petitioner and verified in the same manner as the petition.]

<sup>2</sup>[84. Relief that may be claimed by the petitioner.—A petitioner may, in addition to claiming a declaration that the election of all or any of the returned candidates is void, claim a further declaration that he himself or any other candidate has been duly elected.]

85. [Procedure on receiving petition.] Rep. by the Representation of the People (Amendment) Act, 1966 (47 of 1966), s. 40.

## CHAPTER III.—Trial of Election Petitions

<sup>3</sup>[86. Trial of election petitions.—(1) The High Court shall dismiss an election petition which does not comply with the provisions of section 81 or section 82 or section 117.

*Explanation.*—An order of the High Court dismissing an election petition under this sub-section shall be deemed to be an order made under clause (a) of section 98.

(2) As soon as may be after an election petition has been presented to the High Court, it shall be referred to the Judge or one of the Judges who has or have been assigned by the Chief Justice for the trial of election petitions under sub-section (2) of section 80A.

(3) Where more election petitions than one are presented to the High Court in respect of the same election, all of them shall be referred for trial to the same Judge who may, in his discretion, try them separately or in one or more groups.

(4) Any candidate not already a respondent shall, upon application made by him to the High Court within fourteen days from the date of commencement of the trial and subject to any order as to security for costs which may be made by the High Court, be entitled to be joined as a respondent.

*Explanation.*—For the purposes of this sub-section and of section 97, the trial of a petition shall be deemed to commence on the date fixed for the respondents to appear before the High Court and answer the claim or claims made in the petition.

(5) The High Court may, upon such terms as to costs and otherwise as it may deem fit, allow the particulars of any corrupt practice alleged in the petition to be amended or amplified in such manner as may in its opinion be necessary for ensuring a fair and effective trial of the petition, but shall not allow any amendment of the petition which will have the effect of introducing particulars of a corrupt practice not previously alleged in the petition.

(6) The trial of an election petition shall, so far as is practicable consistently with the interests of justice in respect of the trial, be continued from day to day until its conclusion, unless the High Court finds the adjournment of the trial beyond the following day to be necessary for reasons to be recorded.

(7) Every election petition shall be tried as expeditiously as possible and endeavour shall be made to conclude the trial within six months from the date on which the election petition is presented to the High Court for trial.

1. Ins. by Act 40 of 1961, s. 18 (w.e.f. 20-9-1961).

2. Subs. by Act 27 of 1956, s. 47, for s. 84.

3. Subs. by Act 47 of 1966, s. 41, for ss. 86 to 92 (w.e.f. 14-12-1966).

## (PART II.—Acts of Parliament)

**87. Procedure before the High Court.**—(1) Subject to the provisions of this Act and of any rules made thereunder, every election petition shall be tried by the High Court, as nearly as may be, in accordance with the procedure applicable under the Code of Civil Procedure, 1908 (5 of 1908) to the trial of suits:

Provided that the High Court shall have the discretion to refuse, for reasons to be recorded in writing, to examine any witness or witnesses if it is of the opinion that the evidence of such witness or witnesses is not material for the decision of the petition or that the party tendering such witness or witnesses is doing so on frivolous grounds or with a view to delay the proceedings.

(2) The provisions of the Indian Evidence Act, 1872 (1 of 1972), shall, subject to the provisions of this Act, be deemed to apply in all respects to the trial of an election petition.]

**93. Documentary evidence.**—Notwithstanding anything in any enactment to the contrary, no document shall be inadmissible in evidence at the trial of an election petition on the ground that it is not duly stamped or registered.

**94. Secrecy of voting not to be infringed.**—No witness or other person shall be required to state for whom he has voted at an election:

<sup>1</sup>[Provided that this section shall not apply to such witness or other person where he has voted by open ballot.]

**95. Answering of criminating questions and certificate of indemnity.**—(1) No witness shall be excused from answering any question as to any matter relevant to a matter in issue in the trial of an election petition upon the ground that the answer to such question may criminate or may tend to criminate him, or that it may expose or may tend to expose him to any penalty or forfeiture:

Provided that—

(a) a witness, who answers truly all questions which he is required to answer shall be entitled to receive a certificate of indemnity from <sup>2</sup>[the High Court]; and

(b) an answer given by a witness to a question put by or before <sup>1</sup>[the High Court] shall not, except in the case of any criminal proceeding for perjury in respect of the evidence, be admissible in evidence against him in any civil or criminal proceeding.

(2) When a certificate of indemnity has been granted to any witness, it may be pleaded by him in any court and shall be a full and complete defence to or upon any charge under Chapter IXA of the Indian Penal Code, 1860 (45 of 1860), or Part VII of this Act arising out of the matter to which such certificate relates, but it shall not be deemed to relieve him from any disqualification in connection with an election imposed by this Act or any other law.

**96. Expenses of witnesses.**—The reasonable expenses incurred by any person in attending to give evidence may be allowed by <sup>2</sup>[the High Court] to such person and shall, unless <sup>2</sup>[the High Court] otherwise directs, be deemed to be part of the costs.

**97. Recrimination when seat claimed.**—(1) When in an election petition a declaration that any candidate other than the returned candidate has been duly elected is claimed, the returned candidate or any other party may give evidence to prove that the election of such candidate would have been void if he had been the returned candidate and a petition had been presented calling in question his election:

Provided that the returned candidate or such other party, as aforesaid shall not be entitled to give such evidence unless he has, within fourteen days from the date of <sup>3</sup>[commencement of the trial], given notice to <sup>2</sup>[the High Court] of his intention to do so and has also given the security and the further security referred to in sections 117 and 118 respectively.

(2) Every notice referred to in sub-section (1) shall be accompanied by the statement and <sup>4</sup>\* \* \* particulars required by section 83 in the case of an election petition and shall be signed and verified in like manner.

**98. Decision of the High Court.**—At the conclusion of the trial of an election petition <sup>2</sup>[the High Court] shall make an order—

(a) dismissing the election petition; or

1. Ins. by Act 40 of 2003, s. 4.

2. Subs. by Act 47 of 1966, s. 42, for "the Tribunal" (w.e.f. 14-12-1966).

3. Subs. by Act 27 of 1956, s. 52, for "the publication of the election petition under section 90".

4. The words "list of" omitted by s. 52, *ibid.*

(b) declaring the election of <sup>1</sup>[all or any of the returned candidates] to be void; or

(c) declaring the election, of <sup>1</sup>[all or any of the returned candidates] to be void and the petitioner or any other candidate to have been duly elected. <sup>2</sup>\* \* \*

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**99. Other orders to be made by the High Court—**<sup>(1)</sup> At the time of making an order under section 98 <sup>3</sup>[the High Court] shall also make an order—

<sup>4</sup>[(a) where any charge is made in the petition of any corrupt practice having been committed at the election, recording—

(i) a finding whether any corrupt practice has or has not been proved to have been committed <sup>5</sup>\*\*\* at the election, and the nature of that corrupt practice; and

(ii) the names of all persons, if any, who have been proved at the trial to have been guilty of any corrupt practice and the nature of that practice; and]

(b) fixing the total amount of costs payable and specifying the persons by and to whom costs shall be paid:

Provided that <sup>6</sup>[a person who is not a party to the petition shall not be named] in the order under sub-clause (ii) of clause (a) unless—

(a) he has been given notice to appear before <sup>3</sup>[the High Court] and to show cause why he should not be so named; and

(b) if he appears in pursuance of the notice, he has been given an opportunity of cross-examining any witness who has already been examined by <sup>3</sup>[the High Court] and has given evidence against him, of calling evidence in his defence and of being heard.

<sup>7</sup>[(2) In this section and in section 100, the expression "agent" has the same meaning as in section 123.]

**100. Grounds for declaring election to be void—**<sup>8</sup>[(1) Subject to the provisions of sub-section (2) if <sup>3</sup>[the High Court] is of opinion—

(a) that on the date of his election a returned candidate was not qualified, or was disqualified, to be chosen to fill the seat under the Constitution or this Act <sup>9</sup>[or the Government of Union Territories Act, 1963 (20 of 1963)]; or

(b) that any corrupt practice has been committed by a returned candidate or his election agent or by any other person with the consent of a returned candidate or his election agent; or

1. Subs. by Act 27 of 1956, s. 53, for "the returned candidate".

2. The word "or" and clause (d) omitted by s. 53, *ibid.*

3. Subs. by Act 47 of 1966, s. 42, for "the Tribunal" (w.e.f. 14-12-1966).

4. Subs. by Act 27 of 1956, s. 54, for cl. (a).

5. Certain words omitted by Act 58 of 1958, s. 29.

6. Subs. by Act 27 of 1956, s. 54, for "no person shall be named".

7. Subs. by s. 54, *ibid.*, for sub-section (2).

8. Subs. by s. 55, *ibid.*, for sub-sections (1) and (2).

9. Ins. by Act 20 of 1963, s. 57 and the Second Sch. the words "or the Government of Part C States Act, 1951 (49 of 1951)" were omitted by the Adaptation of Laws (No. 2) Order, 1956.

(c) that any nomination has been improperly rejected; or

(d) that the result of the election, in so far as it concerns a returned candidate, has been materially affected—

(i) by the improper acceptance or any nomination, or

(ii) by any corrupt practice committed in the interests of the returned candidate<sup>1</sup>[by an agent other than his election agent], or

(iii) by the improper reception, refusal or rejection of any vote or the reception of any vote which is void, or

(iv) by any non—compliance with the provisions of the Constitution or of this Act or of any rules or orders made under this Act,

<sup>2</sup>[the High Court] shall declare the election of the returned candidate to be void.]

<sup>3</sup>[(2)] If in the opinion of <sup>2</sup>[the High Court], a returned candidate has been guilty by an agent, other than his election agent, of any corrupt practice<sup>4</sup> but <sup>2</sup>[the High Court] is satisfied—

(a) that no such corrupt practice was committed at the election by the candidate or his election agent, and every such corrupt practice was committed contrary to the orders, and <sup>5</sup>[without the consent], of the candidate or his election agent;

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(c) that the candidate and his election agent took all reasonable means for preventing the commission of corrupt<sup>7</sup> practices at the election; and

(d) that in all other respects the election was free from any corrupt<sup>7</sup> practice on the part of the candidate or any of his agents,

then <sup>2</sup>[the High Court] may decide that the election of the returned candidate is not void.

101. Grounds for which a candidate other than the returned candidate may be declared to have been elected—If any person who has lodged a petition has, in addition to calling in question the election of the returned candidate, claimed a declaration that he himself or any other candidate has been duly elected and <sup>2</sup>[the High Court] is of opinion—

(a) that in fact the petitioner or such other candidate received a majority of the valid votes; or

(b) that but for the votes obtained by the returned candidate by corrupt<sup>8</sup> practices the petitioner or such other candidate would have obtained a majority of the valid votes,

<sup>2</sup>[the High Court] shall after declaring the election of the returned candidate to be void declare the petitioner or such other candidate, as the case may be, to have been duly elected.

102. Procedure in case of an equality of votes—If during the trial of an election petition it appears that there is an equality of votes between any candidates at the election and that the addition of a vote would entitle any of those candidates,—

1. Subs. by Act 58 of 1958, s. 30, for certain words.
2. Subs. by Act 47 of 1966, s. 42, for "the Tribunal" (w.e.f. 14-12-1966).
3. Sub-section (3) re-numbered as sub-section (2) by Act 27 of 1956, s. 55.
4. The words and figures "specified in section 123" omitted by s. 55, *ibid*.
5. Subs. by s. 55, *ibid*, for "without the sanction or connivance".
6. Cl. (b) omitted by Act 58 of 1958, s. 30.
7. The words "or illegal" omitted by Act 27 of 1956, s. 55.
8. The words "or illegal" omitted by s. 56, *ibid*.

(a) any decision made by the returning officer under the provisions of this Act shall, in so far as it determines the question between those candidates, be effective also for the purposes of the petition; and

(b) in so far as that question is not determined by such a decision [the High Court] shall decide between them by lot and proceed as if the one on whom the lot then falls had received an additional vote,

<sup>2</sup>[103. **Communication of orders of the High Court**—The High Court shall, as soon as may be after the conclusion of the trial of an election petition, intimate the substance of the decision to the Election Commission and the Speaker or Chairman, as the case may be, of the House of Parliament or of the State Legislature concerned and, as soon as may be thereafter, shall send to the Election Commission an authenticated copy of the decision.]

104. [*Difference of opinion among the members of the Tribunal.*] *Rep. by the Representation of the People (Second Amendment) Act, 1956 (27 of 1956), s. 57.*

105. [*Orders of the Tribunal to be final and conclusive.*] *Rep. by s. 58, ibid.*

106. **Transmission of order to the appropriate authority, etc., and its publication**—As soon as may be after the receipt of any order made by <sup>3</sup>[the High Court] under section 98 or section 99, the Election Commission shall forward copies of the order to the appropriate authority and, in the case where such order relates to an election<sup>4\*\*\*</sup> to a House of Parliament or to an election to the House or a House of the Legislature of a State, also to the Speaker or Chairman, as the case may be, of the House concerned and <sup>5</sup>[shall cause the order to be published—

(a) where the order relates to an election to a House of Parliament, in the Gazette of India as well as in the Official Gazette of the State concerned; and

(b) where the order relates to an election to the House or a House of the Legislature of the State, in the Official Gazette of the State.]

<sup>6</sup>[107. **Effect of orders of the High Court**—<sup>7</sup>[(1) Subject to the provisions contained in Chapter IVA relating to the stay of operation of an order of the High Court under section 98 or section 99, every such order shall take effect as soon as it is pronounced by the High Court.]

(2) Where by an order under section 98 the election of a returned candidate is declared to be void, acts and proceedings in which that returned candidate has, before the date thereof, participated as a member of Parliament or as a member of the Legislature of a State shall not be invalidated by reason of that order, nor shall such candidate be subjected to any liability or penalty on the ground of such participation.]

#### CHAPTER IV.—*Withdrawal and Abatement of Election Petitions*

108. [*Withdrawal of petitions before appointment of Tribunal.*] *Rep. by the Representation of the People (Amendment) Act, 1966 (47 of 1966), s. 45.*

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1. Subs. by Act 47 of 1966, s. 42, for "the Tribunal" (w.e.f. 14-12-1966).
  2. Subs. by s. 43, *ibid.*, for s. 103 (w.e.f. 14-12-1966).
  3. Subs. by s. 44, *ibid.*, for "the Tribunal" (w.e.f. 14-12-1966).
  4. The words and brackets "(other than a primary election)" omitted by Act 27 of 1956, s. 59.
  5. Subs. by s. 59, *ibid.*, for certain words.
  6. Subs. by s. 60, *ibid.*, for s. 107.
  7. Subs. by Act 47 of 1966, s. 44, for sub-section (1) (w.e.f. 14-12-1966).



**109. Withdrawal of election petitions.—**(1) An election petition may be withdrawn only by leave of the High Court.

(2) Where an application for withdrawal is made under sub-section (1), notice thereof fixing a date for the hearing of the application shall be given to all other parties to the petition and shall be published in the Official Gazette.

**110. Procedure for withdrawal of election petitions.—**(1) If there are more petitioners than one, no application to withdraw an election petition shall be made except with the consent of all the petitioners.

(2) No application for withdrawal shall be granted if, in the opinion of the High Court, such application has been induced by any bargain or consideration which ought not to be allowed.

(3) If the application is granted—

(a) the petitioner shall be ordered to pay the costs of the respondents theretofore incurred or such portion thereof as the High Court may think fit;

(b) the High Court shall direct that the notice of withdrawal shall be published in the Official Gazette and in such other manner as it may specify and thereupon the notice shall be published accordingly;

(c) a person who might himself have been a petitioner may, within fourteen days of such publication, apply to be substituted as petitioner in place of the party withdrawing, and upon compliance with the conditions, if any, as to security, shall be entitled to be so substituted and to continue the proceedings upon such terms as the High Court may deem fit.]

**111. Report of withdrawal by the High Court to the Election Commission.—**When an application for withdrawal is granted by <sup>2</sup>[the High Court] and no person has been substituted as petitioner under clause (c) of sub-section (3) of section 110, in place of the party withdrawing, <sup>2</sup>[the High Court] shall report the fact to the Election Commission <sup>3</sup>[and thereupon the Election Commission shall publish the report in the Official Gazette].

**112. Abatement of election petitions.—**(1) An election petition shall abate only on the death of a sole petitioner or of the survivor of several petitioners.

(2) Where an election petition abates under sub-section (1), the High Court shall cause the fact to be published in such manner as it may deem fit.

(3) Any person who might himself have been a petitioner may, within fourteen days of such publication, apply to be substituted as petitioner and upon compliance with the conditions, if any, as to security, shall be entitled to be so substituted and to continue the proceedings upon such terms as the High Court may deem fit.]

**116. Abatement or substitution on death of respondent.—**If before the conclusion of the trial of an election petition, the sole respondent dies or gives notice that he does not intend to oppose the petition or any of the respondents dies or gives such notice and there is no other respondent who is opposing the petition, <sup>2</sup>[the High Court] shall cause notice of such event to be published in the Official Gazette, and thereupon any person who might have been a petitioner may, within fourteen days of such publication, apply to be substituted in place of such respondent to oppose the petition, and shall be entitled to continue the proceedings upon such terms as <sup>2</sup>[the High Court] may think fit.

1. Subs. by Act 47 of 1966, s. 46, for ss. 109 and 110 (w.e.f. 14-12-1966).

2. Subs. by s. 47, *ibid.*, for "the Tribunal" (w.e.f. 14-12-1966).

3. Ins. by Act 27 of 1956, s. 61.

4. Subs. by Act 47 of 1966, s. 48; for ss. 112 to 115 (w.e.f. 14-12-1966).

5. Subs. by s. 49, *ibid.*, for "the Tribunal" (w.e.f. 14-12-1966).

<sup>2</sup>[116A. **Appeals to Supreme Court.**—(1) Notwithstanding anything contained in any other law for the time being in force, an appeal shall lie to the Supreme Court on any question (whether of law or fact) from every order made by a High Court under section 98 or section 99.

(2) Every appeal under this Chapter shall be preferred within a period of thirty days from the date of the order of the High Court under section 98 or section 99:

Provided that the Supreme Court may entertain an appeal after the expiry of the said period of thirty days if it is satisfied that the appellant had sufficient cause for not preferring the appeal within such period.

**116B. Stay of operation of order of High Court.**—(1) An application may be made to the High Court for stay of operation of an order made by the High Court under section 98 or section 99 before the expiration of the time allowed for appealing therefrom and the High Court may, on sufficient cause being shown and on such terms and conditions as it may think fit, stay the operation of the order; but no application for stay shall be made to the High Court after an appeal has been preferred to the Supreme Court.

(2) Where an appeal has been preferred against an order made under section 98 or section 99, the Supreme Court may, on sufficient cause being shown and on such terms and conditions as it may think fit, stay the operation of the order appealed from.

(3) When the operation of an order is stayed by the High Court or, as the case may be, the Supreme Court, the order shall be deemed never to have taken effect under sub-section (1) of section 107; and a copy of the stay order shall immediately be sent by the High Court or, as the case may be, the Supreme Court, to the Election Commission and the Speaker or Chairman, as the case may be, of the House of Parliament or of the State Legislature concerned.

**116C. Procedure in appeal.**—(1) Subject to the provisions of this Act and of the rules, if any, made thereunder, every appeal shall be heard and determined by the Supreme Court as nearly as may be in accordance with the procedure applicable to the hearing and determination of an appeal from any final order passed by a High Court in the exercise of its original civil jurisdiction; and all the provisions of the Code of Civil Procedure, 1908 (5 of 1908), and the Rules of the Court (including provisions as to the furnishing of security and the execution of any order of the Court) shall, so far as may be, apply in relation to such appeal.

(2) As soon as an appeal is decided, the Supreme Court shall intimate the substance of the decision to the Election Commission and the Speaker or Chairman, as the case may be, of the House of Parliament or of the State Legislature concerned and as soon as may be thereafter shall send to the Election Commission an authenticated copy of the decision; and upon its receipt, the Election Commission shall—

(a) forward copies thereof to the authorities to which copies of the order of the High Court were forwarded under section 160; and

(b) cause the decision to be published in the Gazette or Gazettes in which that order was published under the said section.]]

1. Ins. by Act 27 of 1956, s. 62.

2. Subs. by Act 47 of 1966, s. 50, for ss. 116A and 116B (w.e.f. 14-12-1966).

**117. Security for costs.**—(1) At the time of presenting an election petition, the petitioner shall deposit in the High Court in accordance with the rules of the High Court a sum of two thousand rupees as security for the costs of the petition.

(2) During the course of the trial of an election petition, the High Court may, at any time, call upon the petitioner to give such further security for costs as it may direct.

**118. Security for costs from a respondent.**—No person shall be entitled to be joined as a respondent under sub-section (4) of section 86 unless he has given such security for costs as the High Court may direct.

**119. Costs.**—Costs shall be in the discretion of the High Court:

Provided that where a petition is dismissed under clause (a) of section 98, the returned candidate shall be entitled to the costs incurred by him in contesting the petition and accordingly the High Court shall make an order for costs in favour of the returned candidate.]

**121. Payment of costs out of security deposits and return of such deposits.**—(1) If in any order as to costs under the provisions of this Part there is a direction for payment of costs by any party to any person, such costs shall, if they have not been already paid, be paid in full, or so far as possible, out of the security deposit and the further security deposit, if any, made by such party under this Part on an application made in writing in that behalf<sup>2</sup>[within a period of one year, from the date of such order] to<sup>3</sup>[the High Court] by the person in whose favour the costs have been awarded.

(2) If there is any balance left of any of the said security deposits after payment under sub-section (1) of the costs referred to in that sub-section, such balance, or where no costs have been awarded or no application as aforesaid has been made within the said period of<sup>4</sup>[one year] the whole of the said security deposits may, on an application made in that behalf in writing to<sup>3</sup>[the High Court] by the person by whom the deposits have been made, or if such person dies after making such deposits, by the legal representative of such person, be returned to the said person or to his legal representative, as the case may be.

**122. Execution of orders as to costs.**—Any order as to costs under the provisions of this Part may be produced before the principal civil court of original jurisdiction within the local limits of whose jurisdiction any person directed by such order to pay any sum of money has a place of residence or business, or where such place is within a presidency-town, before the court of small causes having jurisdiction there, and such court shall execute the order or cause the same to be executed in the same manner and by the same procedure as if it were a decree for the payment of money made by itself in a suit:

Provided that where any such costs or any portion thereof may be recovered by an application made under sub-section (1) of section 121, no application shall lie under this section<sup>5</sup>[within a period of one year from the date of such order] unless it is for the recovery of the balance of any costs which has been left unrealised after an application has been made under that sub-section owing to the insufficiency of the amount of the security deposits referred to in that sub-section.

1. Subs. by Act 47 of 1966, s. 51, for ss. 117, 118, 119, 119A and 120 (w.e.f. 14-12-1966).

2. Subs. by Act 58 of 1958, s. 34, for certain words.

3. Subs. by Act 47 of 1966, s. 52, for "the Election Commission" (w.e.f. 14-12-1966).

4. Subs. by Act 58 of 1958, s. 34, for "six months".

5. Subs. by s. 35, *ibid.*, for certain words.

*Representation of the People Act, 1951*  
(PART II.—Acts of Parliament)

PART VII

<sup>1</sup>[CORRUPT PRACTICES AND ELECTORAL OFFENCES]

<sup>2</sup>[CHAPTER I.—*Corrupt Practice*

123. **Corrupt practices.**—The following shall be deemed to be corrupt practices for the purposes of this Act:—

<sup>3</sup>[(1) "Bribery", that is to say—

(A) any gift, offer or promise by a candidate or his agent or by any other person with the consent of a candidate or his election agent of any gratification, to any person whomsoever, with the object, directly or indirectly of inducing—

(a) a person to stand or not to stand as, or <sup>4</sup>[to withdraw or not to withdraw] from being a candidate at an election, or

(b) an elector to vote or refrain from voting at an election, or as a reward to—

(i) a person for having so stood or not stood, or for <sup>5</sup>[having withdrawn or not having withdrawn] his candidature; or

(ii) an elector for having voted or refrained from voting;

(B) the receipt of, or agreement to receive, any gratification, whether as a motive or a reward—

(a) by a person for standing or not standing as, or for <sup>6</sup>[withdrawing or not withdrawing] from being, a candidate; or

(b) by any person whomsoever for himself or any other person for voting or refraining from voting, or inducing or attempting to induce any elector to vote or refrain from voting, or any candidate <sup>4</sup>[to withdraw or not to withdraw] his candidature.

*Explanation.*—For the purposes of this clause the term "gratification" is not restricted to pecuniary gratifications or gratifications estimable in money and it includes all forms of entertainment and all forms of employment for reward but it does not include the payment of any expenses *bona fide* incurred at, or for the purpose of, any election and duly entered in the account of election expenses referred to in section 78.]

(2) **Undue influence,** that is to say, any direct or indirect interference or attempt to interfere on the part of the candidate or his agent, or of any other person <sup>7</sup>[with the consent of the candidate or his election agent], with the free exercise of any electoral right:

1. Subs. by Act 27 of 1956, s. 65, for the heading "CORRUPT AND ILLEGAL PRACTICES AND ELECTORAL OFFENCES".

2. Subs. by s. 66, *ibid.*, for Chapters I and II (ss. 123 to 125).

3. Subs. by Act 58 of 1958, s. 36, for cl. (1).

4. Subs. by Act 47 of 1966, s. 53, for "to withdraw" (w.e.f. 14-12-1966).

5. Subs. by s. 53, *ibid.*, for "having withdrawn" (w.e.f. 14-12-1966).

6. Subs. by s. 53, *ibid.*, for "withdrawing" (w.e.f. 14-12-1966).

7. Ins. by Act 58 of 1958, s. 36.

Provided that—

(a) without prejudice to the generality of the provisions of this clause any such person as is referred to therein who—

(i) threatens any candidate or any elector, or any person in whom a candidate or an elector is interested, with injury of any kind including social ostracism and ex-communication or expulsion from any caste or community; or

(ii) induces or attempts to induce a candidate or an elector to believe that he, or any person in whom he is interested, will become or will be rendered an object of divine displeasure or spiritual censure,

shall be deemed to interfere with the free exercise of the electoral right of such candidate or elector within the meaning of this clause;

(b) a declaration of public policy, or a promise of public action, or the mere exercise of a legal right without intent to interfere with an electoral right, shall not be deemed to be interference within the meaning of this clause.

<sup>1</sup>[(3) The appeal by a candidate or his agent or by any other person with the consent of a candidate or his election agent to vote or refrain from voting for any person on the ground of his religion, race, caste, community or language or the use of, or appeal to religious symbols or the use of, or appeal to, national symbols, such as the national flag or the national emblem, for the furtherance of the prospects of the election of that candidate or for prejudicially affecting the election of any candidate:

<sup>2</sup>[Provided that no symbol allotted under this Act to a candidate shall be deemed to be a religious symbol or a national symbol for the purposes of this clause.]

(3A) The promotion of, or attempt to promote, feelings of enmity or hatred between different classes of the citizens of India on grounds of religion, race, caste, community, or language, by a candidate or his agent or any other person with the consent of a candidate or his election agent for the furtherance of the prospects of the election of that candidate or for prejudicially affecting the election of any candidate.]

<sup>3</sup>[(3B) The propagation of the practice or the commission of sati or its glorification by a candidate or his agent or any other person with the consent of the candidate or his election agent for the furtherance of the prospects of the election of that candidate or for prejudicially affecting the election of any candidate.

*Explanation.*—For the purposes of this clause, "sati" and "glorification" in relation to sati shall have the meanings respectively assigned to them in the Commission of Sati (Prevention) Act, 1987 (3 of 1988).]

(4) The publication by a candidate or his agent or by any other person <sup>4</sup>[with the consent of a candidate or his election agent], of any statement of fact which is false, and which he either believes to be false or does not believe to be true, in relation to the personal character or conduct of any candidate, or in relation to the candidature, or withdrawal, <sup>5</sup>\* \* \* of any candidate, being a statement reasonably calculated to prejudice the prospects of that candidate's election.

(5) The hiring or procuring, whether on payment or otherwise, of any vehicle or vessel by a candidate or his agent or by any other person <sup>6</sup>[with the consent of a candidate or his election agent], <sup>6</sup>[for the use of such vehicle or vessel for the free conveyance] of any elector (other than the candidate himself, the members of his family or his agent) to or from any polling station provided under section 25 or a place fixed under sub-section (1) of section 29 for the poll:

1. Subs. by Act 40 of 1961, s. 23, for cl. (3) (w.e.f. 20-9-1961).

2. Ins. by Act 40 of 1975, s. 8 (retrospectively).

3. Ins. by Act 3 of 1988, s. 19 (retrospectively).

4. Ins. by Act 58 of 1958, s. 36.

5. The words "or retirement from contest" omitted by s. 36, *ibid*.

6. Subs. by Act 47 of 1966, s. 53, for "for the conveyance" (w.e.f. 14-12-1966).

Provided that the hiring of a vehicle or vessel by an elector or by several electors at their joint costs for the purpose of conveying him or them to and from any such polling station or place fixed for the poll shall not be deemed to be a corrupt practice under this clause if the vehicle or vessel so hired is a vehicle or vessel not propelled by mechanical power:

Provided further that the use of any public transport vehicle or vessel or any tramcar or railway carriage by any elector at his own cost for the purpose of going to or coming from any such polling station or place fixed for the poll shall not be deemed to be a corrupt practice under this clause.

*Explanation.*—In this clause, the expression "vehicle" means any vehicle used or capable of being used for the purpose of road transport, whether propelled by mechanical power or otherwise and whether used for drawing other vehicles or otherwise.

(6) The incurring or authorizing of expenditure in contravention of section 77.

(7) The obtaining or procuring or abetting or attempting to obtain or procure by a candidate or his agent or, by any other person <sup>1</sup>[with the consent of a candidate or his election agent], any assistance (other than the giving of vote) for the furtherance of the prospects of that candidate's election, from any person in the service of the Government and belonging to any of the following classes, namely:—

(a) gazetted officers;

(b) stipendiary judges and magistrates;

(c) members of the armed forces of the Union;

(d) members of the police forces;

(e) excise officers;

<sup>2</sup>[(f) revenue officers other than village revenue officers known as lambardars, malguzars, patels, deshmukhs or by any other name, whose duty is to collect land revenue and who are remunerated by a share of, or commission on, the amount of land revenue collected by them but who do not discharge any police functions; and]

(g) such other class of persons in the service of the Government as may be prescribed:

<sup>3</sup>[Provided that where any person, in the service of the Government and belonging to any of the classes aforesaid, in the discharge or purported discharge of his official duty, makes any arrangements or provides any facilities or does any other act or thing, for, to, or in relation to, any candidate or his agent or any other person acting with the consent of the candidate or his election agent (whether by reason of the office held by the candidate or for any other reason), such arrangements, facilities or act or thing shall not be deemed to be assistance for the furtherance of the prospects of that candidate's election.]

<sup>4</sup>[(8) booth capturing by a candidate or his agent or other person.]

1 Ins. by Act 58 of 1958, s. 36.

2 Subs. by s. 36, *ibid.*, for clause (f).

3 Ins. by Act 40 of 1975, s. 8 (retrospectively).

4 Ins. by Act 1 of 1989, s. 13 (w.e.f. 15-3-1989).

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*Explanation.*—(1) In this section, the expression "agent" includes an election agent, a polling agent and any person who is held to have acted as an agent in connection with the election with the consent of the candidate.

(2) For the purposes of clause (7), a person shall be deemed to assist in the furtherance of the prospects of a candidate's election if he acts as an election agent <sup>1</sup>\* \* \* of that candidate.]

<sup>2</sup>[(3) For the purposes of clause (7), notwithstanding anything contained in any other law, the publication in the Official Gazette of the appointment, resignation, termination of service, dismissal or removal from service of a person in the service of the Central Government (including a person serving in connection with the administration of a Union territory) or of a State Government shall be conclusive proof—

(i) of such appointment, resignation, termination of service, dismissal or removal from service, as the case may be, and

(ii) where the date of taking effect of such appointment, resignation, termination of service, dismissal or removal from service, as the case may be, is stated in such publication, also of the fact that such person was appointed with effect from the said date, or in the case of resignation, termination of service, dismissal or removal from service, such person ceased to be in such service with effect from the said date.]

<sup>3</sup>[(4) For the purposes of clause (8), "booth capturing" shall have the same meaning as in section 135A.]

#### CHAPTER III.—*Electoral offences*

<sup>4</sup>[125. Promoting enmity between classes in connection with election—Any person who in connection with an election under this Act promotes or attempts to promote on grounds of religion, race, caste, community or language, feelings of enmity or hatred, between different classes of the citizens of India shall be punishable, with imprisonment for a term which may extend to three years, or with fine, or with both.]

<sup>5</sup>[125A. Penalty for filing false affidavit, etc.—A candidate who himself or through his proposer, with intent to be elected in an election,—

- (i) fails to furnish information relating to sub-section (1) of section 33A; or
- (ii) give false information which he knows or has reason to believe to be false; or
- (iii) conceals any information,

in his nomination paper delivered under sub-section (1) of section 33 or in his affidavit which is required to be delivered under sub-section (2) of section 33A, as the case may be, shall, notwithstanding anything contained in any other law for the time being in force, be punishable with imprisonment for a term which may extend to six months, or with fine, or with both.]

<sup>6</sup>[126. Prohibition of public meetings during period of forty—eight hours ending with hour fixed for conclusion of poll.—

(1) No person shall—

- (a) convene, hold or attend, join or address any public meeting or procession in connection with an election; or
- (b) display to the public any election matter by means of cinematograph, television or other similar apparatus; or
- (c) propagate any election matter to the public by holding, or by arranging the holding of, any musical concert or any theatrical performance or any other entertainment or amusement with a view to attracting the members of the public thereto,

in any polling area during the period of forty-eight hours ending with the fixed for the conclusion of the poll for any election in the polling area.

(2) Any person who contravenes the provisions of sub-section (1) shall be punishable with imprisonment for a term which may extend to two years, or with fine, or with both.

(3) In this section, the expression "election matter" means any matter intended or calculated to influence or affect the result of an election.]

127. Disturbances at election meetings.—(1) Any person who at a public meeting to which this section applies acts, or incites others to act, in a disorderly manner for the purpose of preventing the transaction of the business for which the meeting was called together, <sup>7</sup>[shall be punishable with imprisonment for a term which may extend to <sup>8</sup>six months or with fine which may extend to two thousand rupees] or with both.]

<sup>9</sup>[(1A) An offence punishable under sub-section (1) shall be cognizable.]

1. The words "or a polling agent or a counting agent" omitted by Act 47 of 1966, s. 53 (w.e.f. 14-12-1966).

2. Added by Act 40 of 1975, s. 8 (retrospectively).

3. Ins. by Act 1 of 1989, s.13 (w.e.f. 15-3-1989).

4. Ins. by Act 40 of 1961, s. 24 (w.e.f. 20-9-1961).

5. Ins. by Act 72 of 2002, s.5 (w.e.f. 24-8-2002).

6. Subs. by Act 21 of 1996, s. 10, for s. 126 (w.e.f. 1-8-1969).

7. Subs. by Act 1 of 1989, s. 14, for certain words ( w.e.f. 15-3-1989).

8. Subs. by Act 21 of 1996, s. 11, for certain words (w.e.f. 1-8-1996).

9. Ins. by s. 11, *ibid.* (w.e.f. 1-8-1996).

(2) This section applies to any public meeting of a political character held in any constituency between the date of the issue of a notification under this Act calling upon the constituency to elect a member or members and the date on which such election is held.

(3) If any police officer reasonably suspects any person of committing an offence under sub-section (1), he may, if requested so to do by the chairman of the meeting, require that person to declare to him immediately his name and address and, if that person refuses or fails so to declare his name and address, or if the police officer reasonably suspects him of giving a false name or address, the police officer may arrest him without warrant.

<sup>1</sup>[127A. Restrictions on the printing of pamphlets, posters, etc.—(1) No person shall print or publish, or cause to be printed or published, any election pamphlet or poster which does not bear on its face the names and addresses of the printer and the publisher thereof.

(2) No person shall print or cause to be printed any election pamphlet or poster—

(a) unless a declaration as to the identity of the publisher thereof, signed by him and attested by two persons to whom he is personally known, is delivered by him to the printer in duplicate; and

(b) unless, within a reasonable time after the printing of the document, one copy of the declaration is sent by the printer, together with one copy of the document,—

(i) where it is printed in the capital of the State, to the Chief Electoral Officer; and

(ii) in any other case, to the district magistrate of the district in which it is printed.

(3) For the purposes of this section,—

(a) any process for multiplying copies of a document, other than copying it by hand, shall be deemed to be printing and the expression "printer" shall be construed accordingly; and

(b) "election pamphlet or poster" means any printed pamphlet, hand-bill or other document distributed for the purpose of promoting or prejudicing the election of a candidate or group of candidates or any placard or poster having reference to an election, but does not include any hand-bill, placard or poster merely announcing the date, time, place and other particulars of an election meeting or routine instructions to election agents or workers.

(4) Any person who contravenes any of the provisions of sub-section (1) or sub-section (2) shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to two thousand rupees, or with both.]

128. Maintenance of Secrecy of voting.—(1) Every officer, clerk, agent or other person who performs any duty in connection with the recording or counting of votes at an election shall maintain, and aid in maintaining, the secrecy of the voting and shall not (except for some purpose authorised by or under any law) communicate to any person any information calculated to violate such secrecy:

<sup>2</sup>[Provided that the provisions of this sub-section shall not apply to such officer, clerk, agent or other person who performs any such duty at an election to fill a seat or seats in the Council of States.]

(2) Any person who contravenes the provisions of sub-section (1) shall be punishable with imprisonment for a term which may extend to three months or with fine or with both.

1. Ins. by Act 40 of 1961, s. 26 (w.e.f. 20-9-1961).

2. Ins. by Act 40 of 2003, s. 5.



**129. Officers, etc., at elections not to act for candidates or to influence voting.**—(1) No person who is [a district election officer or a returning officer], or an assistant returning officer, or a presiding or polling officer at an election, or an officer or clerk appointed by the returning officer or the presiding officer to perform any duty in connection with an election shall in the conduct or the management of the election do any act (other than the giving of vote) for the furtherance of the prospects of the election of a candidate.

(2) No such person as aforesaid, and no member of a police force, shall endeavour—

- (a) to persuade any person to give his vote at an election, or
- (b) to dissuade any person from giving his vote at an election, or
- (c) to influence the voting of any person at an election in any manner.

(3) Any person who contravenes the provisions of sub-section (1) or sub-section (2) shall be punishable with imprisonment which may extend to six months or with fine or with both.

<sup>2</sup>[(4) An offence punishable under sub-section (3) shall be cognizable.]

**130. Prohibition of canvassing in or near polling station.**—(1) No person shall, on the date or dates on which a poll is taken at any polling station, commit any of the following acts within the polling station or in any public or private place within a distance of <sup>3</sup>[one hundred metres] of the polling station, namely:—

- (a) canvassing for votes ; or
- (b) soliciting the vote of any elector; or
- (c) persuading any elector not to vote for any particular candidate; or
- (d) persuading any elector not to vote at the election ; or
- (e) exhibiting any notice or sign (other than an official notice) relating to the election.

(2) Any person who contravenes the provisions of sub-section (1) shall be punishable with fine which may extend to two hundred and fifty rupees.

(3) An offence punishable under this section shall be cognizable.

**131. Penalty for disorderly conduct in or near polling stations.**—(1) No person shall, on the date or dates on which a poll is taken at any polling station,—

- (a) use or operate within or at the entrance of the polling station, or in any public or private place in the neighbourhood thereof, any apparatus for amplifying or reproducing the human voice, such as a megaphone or a loudspeaker, or
- (b) shout, or otherwise act in a disorderly manner, within or at the entrance of the polling station or in any public or private place in the neighbourhood thereof,

so as to cause annoyance to any person visiting the polling station for the poll, or so as to interfere with the work of the officers and other persons on duty at the polling station.

(2) Any person who contravenes, or wilfully aids or abets the contravention of, the provisions of sub-section (1) shall be punishable with imprisonment which may extend to three months or with fine or with both.

1. Subs. by Act 47 of 1966, s. 55, for "a returning officer" (w.e.f. 14-12-1966).

2. Ins. by s. 55, *ibid.* (w.e.f. 14-12-1966).

3. Subs. by s. 56, *ibid.*, for "one hundred yards" (w.e.f. 14-12-1966).

(3) If the presiding officer of a polling station has reason to believe that any person is committing or has committed an offence punishable under this section, he may direct any police officer to arrest such person, and thereupon the police officer shall arrest him.

(4) Any police officer may take such steps, and use such force, as may be reasonably necessary for preventing any contravention of the provisions of sub-section (1), and may seize any apparatus used for such contravention.

**132. Penalty for misconduct at the polling station.**—(1) Any person who during the hours fixed for the poll at any polling station misconducts himself or fails to obey the lawful directions of the presiding officer may be removed from the polling station by the presiding officer or by any police officer on duty or by any person authorised in this behalf by such presiding officer.

(2) The powers conferred by sub-section (1) shall not be exercised so as to prevent any elector who is otherwise entitled voting at that station.

(3) If any person who has been so removed from a polling station re-enters the polling station without the permission of the presiding officer, he shall be punishable with imprisonment for a term which may extend to three months, or with fine, or with both.

(4) An offence punishable under sub-section (3) shall be cognizable.

<sup>1</sup>[132A. **Penalty for failure to observe procedure for voting.**—If any elector to whom a ballot paper has been issued, refused to observe the procedure prescribed for voting the ballot paper issued to him shall be liable for cancellation.

<sup>2</sup>[133. **Penalty for illegal hiring or procuring of conveyance at elections.**—If any person is guilty of any such corrupt practice as is specified in clause (5) of section 123 at or in connection with an election, he shall be punishable with imprisonment which may extend to three months and with fine.

**134. Breaches of official duty in connection with election.**—(1) If any person to whom this section applies is without reasonable cause guilty of any act or omission in breach of his official duty, he shall be punishable with fine which may extend to five hundred rupees.

<sup>3</sup>[(1A) An offence punishable under sub-section (1) shall be cognizable.]

(2) No suit or other legal proceedings shall lie against any such person for damages in respect of any such act or omission as aforesaid.

(3) The persons to whom this section applies are the <sup>4</sup>\*\*\* <sup>5</sup>[district election officers, returning officers], assistant returning officers, presiding officers, polling officers and any other person appointed to perform any duty in connection with <sup>6</sup>\*\*\* the receipt of nominations or withdrawal of candidatures, or the recording or counting of votes at an election; and the expression "official duty" shall for the purposes of this section be construed accordingly, but shall not include duties imposed otherwise than by or under this Act <sup>4</sup>\*\*\*.

1. Ins. by Act 4 of 1986, s. 2 and Sch. (w.e.f. 15-5-1986).

2. Subs. by Act 21 of 1996, s. 12, for s. 133 (w.e.f. 1-8-1996).

3. Ins. by Act 47 of 1966, s. 58 (w.e.f. 14-12-1966).

4. Certain words omitted by Act 58 of 1958, s. 37.

5. Subs. by Act 47 of 1966, s. 58, for "returning officers" (w.e.f. 14-12-1966).

6. The words "the preparation of an electoral roll" omitted by Act 58 of 1958, s. 37.

<sup>1</sup>[134A. Penalty for Government servants for acting as election agent, polling agent or counting agent.—If any person in the service of the Government acts as an election agent or a polling agent or a counting agent of a candidate at an election, he shall be punishable with imprisonment for a term which may extend to three months, or with fine, or with both.]

<sup>2</sup>[134B. Prohibition of going armed to or near a polling station.—(1) No person, other than the returning officer, the presiding officer, any police officer and any other person appointed to maintain peace and order, at a polling station who is on duty at the polling station, shall, on a polling day, go armed with arms, as defined in the Arms Act, 1959 (54 of 1959), of any kind within the neighbourhood of a polling station.

(2) If any person contravenes the provisions of sub-section (1), he shall be punishable with imprisonment for a term which may extend to two years, or with fine, or with both.

(3) Notwithstanding anything contained in the Arms Act, 1959 (54 of 1959), where a person is convicted of an offence under this section, the arms as defined in the said Act found in his possession shall be liable to confiscation and the licence granted in relation to such arms shall be deemed to have been revoked under section 17 of that Act.

(4) An offence punishable under sub-section (2) shall be cognizable.]

135. Removal of ballot papers from polling station to be an offence.—(1) Any person who at any election <sup>3</sup> [unauthorisedly] takes, or attempts to take, a ballot paper out of a polling station, or wilfully aids or abets the doing of any such act, shall be punishable with imprisonment for a term which may extend to one year or with fine which may extend to five hundred rupees or with both.

(2) If the presiding officer of a polling station has reason to believe that any person is committing or has committed an offence punishable under sub-section (1), such officer may, before such person leaves the polling station, arrest or direct a police officer to arrest such person and may search such person or cause him to be searched by a police officer:

Provided that when it is necessary to cause a woman to be searched, the search shall be made by another woman with strict regard to decency.

(3) Any ballot paper found upon the person arrested on search shall be made over the safe custody to a police officer by the presiding officer, or when the search is made by a police officer, shall be kept by such officer in safe custody.

(4) An offence punishable under sub-section (1) shall be cognizable.

<sup>4</sup>[135A. Offence of booth capturing.—<sup>5</sup>[(1)] Whoever commits an offence of booth capturing shall be punishable with imprisonment for a term which <sup>6</sup>[shall not be less than one year but which may extend to three years and with fine, and where such offence is committed by a person in the service of the Government, he shall be punishable with imprisonment for a term which shall not be less than three years but which may extend to five years and with fine].

*Explanation.*— For the purposes of <sup>7</sup>[this sub-section and section 20B], "booth capturing" includes, among other things, all or any of the following activities, namely:—

(a) seizure of a polling station or a place fixed for the poll by any person or persons, making polling authorities surrender the ballot papers or voting machines and doing of any other act which affects the orderly conduct of elections;

(b) taking possession of a polling station or a place fixed for the poll by any person or persons and allowing only his or their own supporters to exercise their right to vote and <sup>8</sup>[prevent others from free exercise of their right to vote];

(c) <sup>9</sup>[coercing or intimidating or threatening directly or indirectly] any elector and preventing him from going to the polling station or a place fixed for the poll to cast his vote;

(d) seizure of a place for counting of votes by any person or persons, making the counting authorities surrender the ballot papers or voting machines and the doing of anything which affects the orderly counting of votes;

(e) doing by any person in the service of Government, of all or any of the aforesaid activities or aiding or conniving at, any such activity in the furtherance of the prospects of the election of a candidate.]

<sup>9</sup>[(2) An offence punishable under sub-section (1) shall be cognizable.]

1. Ins. by Act 47 of 1966, s. 59 (w.e.f. 14-12-1966).

2. Ins. by Act 21 of 1996, s. 13 (w.e.f. 1-8-1996).

3. Subs. by s. 14, *ibid.*, for "fraudulently" (w.e.f. 1-8-1996).

4. Ins. by Act 1 of 1989, s. 15 (w.e.f. 15-3-1989).

5. S. 135A renumbered as sub-section (1) thereof by Act 21 of 1996, s. 15 (w.e.f. 1-8-1996).

6. Subs. by s. 15, *ibid.*, for certain words (w.e.f. 1-8-1996).

7. Subs. by s. 15, *ibid.*, for "this section" (w.e.f. 1-8-1996).

8. Subs. by s. 15, *ibid.*, for "threatening" (w.e.f. 1-8-1996).

9. Ins. by s. 15, *ibid.* (w.e.f. 1-8-1996).

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<sup>1</sup>[135B. Grant of paid holiday to employees on the day of poll.—(1) Every person employed in any business, trade, industrial undertaking or any other establishment and entitled to vote at an election to the House of the People or the Legislative Assembly of a State shall, on the day of poll, be granted a holiday.

(2) No deduction or abatement of the wages of any such person shall be made on account of a holiday having been granted in accordance with sub-section (1) and if such person is employed on the basis that he would not ordinarily receive wages for such a day, he shall nonetheless be paid for such day the wages he would have drawn had not a holiday been granted to him on that day.

(3) If an employer contravenes the provisions of sub-section (1) or sub-section (2), then such employer shall be punishable with fine which may extend to five hundred rupees.

(4) This section shall not apply to any elector whose absence may cause danger or substantial loss in respect of the employment in which he is engaged.

**135C. Liquor not to be sold, given or distributed on polling day.**—(1) No spirituous, fermented or intoxicating liquors or other substances of a like nature shall be sold, given or distributed at a hotel, eating house, tavern, shop or any other place, public or private, within a polling area during the period of forty-eight hours ending with the hour fixed for the conclusion of the poll for any election in that polling area.

(2) Any person who contravenes the provisions of sub-section (1), shall be punishable with imprisonment for a term which may extend to six months, or with fine, which may extend to two thousand rupees, or with both.

(3) Where a person is convicted of an offence under this section, the spirituous, fermented or intoxicating liquors or other substances of a like nature found in his possession shall be liable to confiscation and the same shall be disposed of in such manner as may be prescribed.]

**136. Other offences and penalties therefor.**—(1) A person shall be guilty of an electoral offence if at any election he—

(a) fraudulently defaces or fraudulently destroys any nomination paper; or

(b) fraudulently defaces, destroys or removes any list, notice or other document affixed by or under the authority of a returning officer; or

(c) fraudulently defaces or fraudulently destroys any ballot paper or the official mark on any ballot paper or any declaration of identity or official envelop used in connection with voting by postal ballot; or

(d) without due authority supplies any ballot paper to any person<sup>2</sup> [or receives any ballot paper from any person or is in possession of any ballot paper]; or

(e) fraudulently puts into any ballot box anything other than the ballot paper which he is authorised by law to put in; or

(f) without due authority destroys, takes, opens or otherwise interferes with any ballot box or ballot papers then in use for the purposes of the election; or

(g) fraudulently or without due authority, as the case may be, attempts to do any of the foregoing acts or wilfully aids or abets the doing of any such acts.

(2) Any person guilty of an electoral offence under this section shall,—

(a) if he is a returning officer or an assistant returning officer or a presiding officer at a polling station or any other officer or clerk employed on official duty in connection with the election, be punishable with imprisonment for a term which may extend to two years or with fine or with both;

(b) if he is any other person, be punishable with imprisonment for a term which may extend to six months or with fine or with both.

(3) For the purposes of this section, a person shall be deemed to be on official duty if his duty is to take part in the conduct of an election or part of an election including the counting of votes or to be responsible after an election for the used ballot papers and other documents in connection with such election, but the expression "official duty" shall not include any duty imposed otherwise than by or under this Act<sup>3</sup> \* \* \*.

<sup>4</sup>[(4) An offence punishable under sub-section (2) shall be cognizable.]

137. [Prosecution regarding certain offences.] Rep. by the Representation of the People (Amendment) Act, 1966 (47 of 1966), s. 61.

138. [Amendment of Act 5 of 1898.] Rep. by the Repealing and Amending Act, 1957 (36 of 1957), s. 2 and the First Schedule.

#### PART VIII DISQUALIFICATIONS

139—145. [Chapters I to III.] Rep. by the Representation of the People (Amendment) Act, 1966 (47 of 1966), s. 62.

1. Ins. by Act 21 of 1996, s. 16 (w.e.f. 1-8-1996).

2. Ins. by Act 27 of 1956, s. 70.

3. The words and figures "or by or under the Representation of the People Act, 1950" omitted by Act 58 of 1958, s. 38.

4. Subs. by Act 47 of 1966, s. 60, for sub-section (4) (w.e.f. 14-12-1966).

#### Representation of the People Act, 1951 (PART II.—Acts of Parliament)

<sup>1</sup>[CHAPTER IV.—Powers of Election Commission in connection with Inquiries as to Disqualifications of Members

**146. Powers of Election Commission.**—(1) Where in connection with the tendering of any opinion to the President under article 103 or, as the case may be, under sub-section (4) of section 14 of the Government of Union Territories Act, 1963 (20 of 1963), or to the Governor under article 192, the Election Commission considers it necessary or proper to make an inquiry, and the Commission is satisfied that on the basis of the affidavits filed and the documents produced in such inquiry by the parties concerned of their own accord, it cannot come to a decisive opinion on the matter which is being inquired into, the Commission shall have, for the purposes of such inquiry, the powers of a civil court, while trying a suit under the Code of Civil Procedure, 1908 (5 of 1908), in respect of the following matters, namely:—

- (a) summoning and enforcing the attendance of any person and examining him on oath ;
- (b) requiring the discovery and production of any document or other material object producible as evidence;
- (c) receiving evidence on affidavits;
- (d) requisitioning any public record or a copy thereof from any court or office ;
- (e) issuing commissions for the examination of witnesses or documents.

(2) The Commission shall also have the power to require any person, subject to any privilege which may be claimed by that person under any law for the time being in force, to furnish information on such points or matters as in the opinion of the Commission may be useful for, or relevant to, the subject-matter of the inquiry.

(3) The Commission shall be deemed to be a civil court and when any such offence, as is described in section 175, section 178, section 179, section 180 or section 228 of the Indian Penal Code (45 of 1860), is committed in the view or presence of the Commission, the Commission may after recording the facts constituting the offence and the statement of the accused as provided for in the Code of Criminal Procedure, 1898<sup>2</sup> (5 of 1898), forward the case to a magistrate having jurisdiction to try the same and the magistrate to whom any such case is forwarded shall proceed to hear the complaint against the accused as if the case had been forwarded to him under section 482 of the Code of Criminal Procedure, 1898<sup>2</sup> (5 of 1898).

(4) Any proceeding before the Commission shall be deemed to be a judicial proceeding within the meaning of section 193 and section 228 of the Indian Penal Code (45 of 1860).

**146A. Statements made by persons to the Election Commission.**—No statement made by a person in the course of giving evidence before the Election Commission shall subject him to, or be used against him in, any civil or criminal proceeding except a prosecution for giving false evidence by such statement:

Provided that the statement—

- (a) is made in reply to a question which he is required by the Commission to answer, or
- (b) is relevant to the subject-matter of the inquiry.

**146B. Procedure to be followed by the Election Commission.**—The Election Commission shall have the power to regulate its own procedure (including the fixing of places and times of its sittings and deciding whether to sit in public or in private).]

1. Ins. by Act 17 of 1965, s. 2.

2. See now the corresponding provision of the Code of Criminal Procedure, 1973 (2 of 1974).

**146C. Protection of action taken in good faith.**—No suit, prosecution or other legal proceeding shall lie against the Commission or any person acting under the direction of the Commission in respect of anything which is in good faith done or intended to be done in pursuance of the foregoing provisions of this Chapter or of any order made thereunder or in respect of the tendering of any opinion by the Commission to the President or, as the case may be, to the Governor or in respect of the publication, by or under the authority of the Commission of any such opinion, paper or proceedings.]

## PART IX

## BYE-ELECTIONS

**147. Casual vacancies in the Council of States.**—<sup>1</sup>[(1) When before the expiration of the term of office of a member elected to the Council of States, his seat becomes vacant or is declared vacant or his election to the Council of States is declared void, the Election Commission shall by a notification in the Gazette of India call upon the elected members of the Legislative Assembly or the members of the electoral college concerned<sup>2</sup> \* \* \*, as the case may be, to elect a person for the purpose of filling the vacancy so caused before such date as may be specified in the notification and the provisions of this Act and of the rules and orders made thereunder shall apply, as far as may be, in relation to the election of a member to fill such vacancy.

<sup>3</sup>[(2) As soon as may be after the date of commencement of the Constitution (Seventh Amendment) Act, 1956, bye-elections shall be held to fill the vacancies existing on that date in the seats allotted to the States of Assam, Orissa and Uttar Pradesh and the Union territories of Delhi, Himachal Pradesh\* and Manipur\*.]

**148.** [*Casual vacancies in the electoral colleges for certain Union territories.*] Rep. by the Territorial Councils Act, 1956 (103 of 1956), s. 66.

**149. Casual vacancies in the House of the People.**—(1) When the seat of a member elected to the House of the People becomes vacant or is declared vacant or his election to the House of the People is declared void, the Election Commission shall, subject to the provisions of sub-section (2), by a notification in the Gazette of India, call upon the Parliamentary constituency concerned to elect a person for the purpose of filling the vacancy so caused before such date as may be specified in the notification, and the provisions of this Act and of the rules and orders made thereunder shall apply, as far as may be, in relation to the election of a member to fill such vacancy.

(2) If the vacancy so caused be a vacancy in a seat reserved in any such constituency for the Scheduled Castes or for any Scheduled Tribes, the notification issued under sub-section (1) shall specify that the person to fill that seat shall belong to the Scheduled Castes or to such Scheduled Tribes, as the case may be.

**150. Casual vacancies in the State Legislative Assemblies.**—(1) When the seat of a member elected to the Legislative Assembly of a State becomes vacant or is declared vacant or his election to the Legislative Assembly is declared void, the Election Commission shall, subject to the provisions of sub-section (2), by a notification in the Official Gazette, call upon the Assembly constituency concerned to elect a person for the purpose of filling the vacancy so caused before such date as may be specified in the notification, and the provisions of this Act and of the rules and orders made thereunder shall apply, as far as may be, in relation to the election of a member to fill such vacancy.

1. S. 147 re-numbered as sub-section (1) of that section by the Adaptation of Laws (No. 2) Order, 1956.

2. The words "or the elected members of the Coorg Legislative Council" omitted by Act 49 of 1951, s. 44 and the Fifth Schedule.

3. Ins. by the Adaptation of Laws (No. 2) Order, 1956.

\* Now it has become State.

(2) If the vacancy so caused be a vacancy in a seat reserved in any such constituency for the Scheduled Castes or for any Scheduled Tribes, the notification issued under sub-section (1) shall specify that the person to fill that seat shall belong to the Scheduled Castes or to such Scheduled Tribes, as the case may be.

151. **Casual vacancies in the State Legislative Councils**—When before the expiration of the term of office of a member elected to the Legislative Council of a State, his seat becomes vacant or is declared vacant or his election to the Legislative Council is declared void, the Election Commission shall, by a notification in the Official Gazette, call upon the Council constituency concerned or the members of the Legislative Assembly of the State, as the case may be, to elect a person for the purpose of filling the vacancy so caused, before such date as may be specified in the notification, and the provisions of this Act and of the rules and orders made thereunder shall apply, as far as may be, in relation to the election of a member to fill such vacancy.

[151A. **Time limit for filling vacancies referred to in sections 147, 149, 150 and 151**—Notwithstanding anything contained in section 147, section 149, section 150 and section 151, a bye-election for filling any vacancy referred to in any of the said sections shall be held within a period of six months from the date of the occurrence of the vacancy:

Provided that nothing contained in this section shall apply if—

- (a) the remainder of the term of a member in relation to a vacancy is less than one year; or
- (b) the Election Commission in consultation with the Central Government certifies that it is difficult to hold the bye-election within the said period.

#### PART X MISCELLANEOUS

152. **List of members of the State Legislative Assemblies and electoral colleges to be maintained by the returning officers concerned**—(1) The returning officer for an election by the elected members of the Legislative Assembly of a State to fill a seat or seats in the Council of States or for an election, by the members of the Legislative Assembly of a State to fill a seat or seats in the Legislative Council of the State shall, for the purposes of such election maintain in his office in the prescribed manner and form a list of elected members or a list of members, as the case may be, of that Legislative Assembly.

(2) The returning officer for an election by the members of the electoral college for a<sup>2</sup>[Union territory]<sup>3\*\*\*\*</sup> to fill a seat or seats in the Council of States shall, for the purposes of such election, maintain in his office in the prescribed manner and form a list of members of the electoral college<sup>4\*\*\*\*</sup>.

(3) Copies of the lists referred to in sub-sections (1) and (2) shall be made available for sale.

[153. **Extension of time for completion of election**—It shall be competent for the Election Commission for reasons which it considers sufficient, to extend the time for the completion of any election by making necessary amendments in the notification issued by it under section 30 or sub-section (1) of section 39.]

154. **Term of office of members of the Council of States**—<sup>6</sup>[(1) Subject to the provisions of sub-sections (2) and (2A), the term of office of a member of the Council of States, other than a member chosen to fill a casual vacancy, shall be six years.]

(2) <sup>7</sup>\*\*\* Upon the first constitution of the Council of States the President shall, after consultation with the Election Commission, make by order such provision as he thinks fit for curtailing the term of office of some of the members then chosen in order that, as nearly as may be, one-third of the members holding seats of each class shall retire in every second year thereafter.

<sup>8</sup>[(2A) In order that, as nearly as may be, one-third of the members may retire on the second day of April, 1958, and on the expiration of every second year thereafter, the President shall, as soon as may be after the commencement of the Constitution (Seventh Amendment) Act, 1956, after consultation with the Election Commission, make by order such provisions as he thinks fit in regard to the terms of office of the members elected under sub-section (2) of section 147.]

1. Ins. by Act 21 of 1996, s. 17 (w.e.f. 1-8-1996).

2. Subs. by the Adaptation of Laws (No. 2) Order, 1956, for "Part C State".

3. The words "or group of such States" omitted by Act 27 of 1956, s. 77.

4. Certain words omitted by Act 49 of 1951, s. 44 and the Fifth Schedule.

5. Subs. by Act 27 of 1956, s. 78, for s. 153.

6. Subs. by the Adaptation of Laws (No. 2) Order, 1956, for sub-section (1).

7. Certain words omitted, *ibid.*

8. Ins., *ibid.*

(3) A member chosen to fill a casual vacancy shall be chosen to serve for the remainder of his predecessor's term of office.

**155. Commencement of the term of office of members of the Council of States.—**(1) The term of office of a member of the Council of States whose name is required to be notified in the Official Gazette under section 71 shall begin on the date of such notification.

(2) The term of office of a member of the Council of States whose name is not required to be notified under section 71 shall begin on the date of publication in the Official Gazette of the declaration containing the name of such person as elected under section 67 or of the notification issued under sub-clause (a) of clause (1) of article 80 or under any other provision announcing the nomination of such person to the Council of States, as the case may be.

**156. Term of office of members of State Legislative Councils.—**(1) The term of office of a member of the Legislative Council of a State, other than a member chosen to fill a casual vacancy, shall be six years, but upon the first constitution of the Council the Governor \* \* \* shall, after consultation with the Election Commission, make by order such provision as he thinks fit for curtailing the term of office of some of the members then chosen in order that, as nearly as may be, one-third of the members holding seats of each class shall retire in every second year thereafter.

(2) A member chosen to fill a casual vacancy shall be chosen to serve for the remainder of his predecessor's term of office.

**157. Commencement of the term of office of members of the Legislative Councils.—**(1) The term of office of a member of the Legislative Council of a State whose name is required to be notified in the Official Gazette under<sup>2</sup> [section 74] shall begin on the date of such notification.

(2) The term of office of a member of the Legislative Council of a State whose name is not required to be notified under<sup>2</sup> [section 74] shall begin on the date of publication in the Official Gazette of the declaration containing the name of such person as elected under section 67 or of the notification issued under sub-clause (e) of clause (3) of article 171, announcing the nomination of such person to the Council, as the case may be.

<sup>3</sup>[158. **Return of forfeiture of candidate's deposit.—**(1) The deposit made under section 34 or under that section read with sub-section (2) of section 39 shall either be returned to the person making it or his legal representative or be forfeited to the appropriate authority in accordance with the provisions of this section.

(2) Except in cases hereafter mentioned in this section, the deposit shall be returned as soon as practicable after the result of the election is declared.

(3) If the candidate is not shown in the list of contesting candidates, or if he dies before the commencement of the poll, the deposit shall be returned as soon as practicable after the publication of the list or after his death, as the case may be.

(4) Subject to the provisions of sub-section (3), the deposit shall be forfeited if at an election where a poll has been taken, the candidate is not elected and the number of valid votes polled by him does not exceed one-sixth of the total number of valid votes polled by all the candidates or in the case of election of more than one member at the election, one-sixth of the total number of valid votes so polled divided by the number of members to be elected:

1. The words "or the Rajpramukh, as the case may be" omitted by the Adaptation of Laws (No. 2) Order, 1956.

2. Subs. by Act 27 of 1956, s. 79, for "section 75".

3. Subs. by Act 58 of 1958, s. 39, for s. 158.



Provided that where at an election held in, accordance with the system of proportional representation by means of the single transferable vote, a candidate is not elected, the deposit made by him shall be forfeited if he does not get more than one-sixth of the number of votes prescribed in this behalf as sufficient to secure the return of a candidate.

(5) Notwithstanding anything in sub-sections (2), (3) and (4),—

(a) if at a general election, the candidate is a contesting candidate in more than one parliamentary constituency or in more than one assembly constituency, not more than one of the deposits shall be returned, and the others shall be forfeited.

(b) if the candidate is a contesting candidate at an election in more than one council constituency or at an election in a council constituency and at an election by the members of the State Legislative Assembly to fill seats in the Legislative Council, not more than one of the deposits shall be returned, and the others shall be forfeited.]

<sup>1</sup>[159. Staff of certain authorities to be made available for election work.—(1) The authorities specified in sub-section (2) shall, when so requested by a Regional Commissioner appointed under clause (4) of article 324 or the Chief Electoral Officer of the State, make available to any returning officer such staff as may be necessary for the performance of any duties in connection with an election.

(2) The following shall be the authorities for the purpose of sub-section (1), namely:—

- (i) every local authority;
- (ii) every university established or incorporated by or under a Central, Provincial or State Act;
- (iii) a Government company as defined in section 617 of the Companies Act, 1956 ( 1 of 1956);
- (iv) any other institution, concern or undertaking which is established by or under a Central, Provincial or State Act or which is controlled, or financed wholly or substantially by funds provided, directly or indirectly, by the Central Government or a State Government.]

160. Requisitioning of premises, vehicles, etc., for election purposes.—(1) If it appears to the State Government that in connection with an election held within the State—

(a) any premises are needed or are likely to be needed for the purpose of being used as a polling station or for the storage of ballot boxes after a poll has been taken, or

(b) any vehicle, vessel or animal is needed or is likely to be needed for the purpose of transport of ballot boxes to or from any polling station, or transport of members of the police force for maintaining order during the conduct of such election, or transport of any officer or other person for performance of any duties in connection with such election,

that Government may by order in writing requisition such premises, or such vehicle, vessel or animal, as the case may be, and may make such further orders as may appear to it to be necessary or expedient in connection with the requisitioning:

Provided that no vehicle, vessel or animal which is being lawfully used by a candidate or his agent for any purpose connected with the election of such candidate shall be requisitioned under this sub-section until the completion of the poll at such election.

(2) The requisition shall be effected by an order in writing addressed to the person deemed by the State Government to be the owner or person in possession of the property, and such order shall be served in the prescribed manner on the person to whom it is addressed.

(3) Whenever any property is requisitioned under sub-section (1), the period of such requisition shall not extend beyond the period for which such property is required for any of the purposes mentioned in that sub-section.

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1. Subs. by Act 12 of 1998, s. 2 (w.e.f. 23-12-1997).

(4) In this section,—

(a) "premises" means any land, building or part of a building and includes a hut, shed or other structure or any part thereof;

(b) "vehicle" means any vehicle used or capable of being used for the purpose of road transport, whether propelled by mechanical power or otherwise.

**161. Payment of compensation.**—(1) Whenever in pursuance of section 160 the State Government requisitions any premises, there shall be paid to the persons interested compensation the amount of which shall be determined by taking into consideration the following, namely:—

(i) the rent payable in respect of the premises or if no rent is so payable, the rent payable for similar premises in the locality;

(ii) if any consequence of the requisition of the premises the person interested is compelled to change his residence or place of business, the reasonable expenses (if any) incidental to such change:

Provided that where any person interested being aggrieved by the amount of compensation so determined makes an application within the prescribed time to the State Government for referring the matter to an arbitrator, the amount of compensation to be paid shall be such as the arbitrator appointed in this behalf by the State Government may determine:

Provided further that where there is any dispute as to the title to receive the compensation or as to the apportionment of the amount of compensation, it shall be referred by the State Government to an arbitrator appointed in this behalf by that Government for determination, and shall be determined in accordance with the decision of such arbitrator.

*Explanation.*—In this sub-section, the expression "person interested" means the person who was in actual possession of the premises requisitioned under section 160 immediately before the requisition, or where no person was in such actual possession, the owner of such premises.

(2) Whenever in pursuance of section 160 the State Government requisitions any vehicle, vessel or animal, there shall be paid to the owner thereof compensation the amount of which shall be determined by the State Government on the basis of the fares or rates prevailing in the locality for the hire of such vehicle, vessel or animal:

Provided that where the owner of such vehicle, vessel or animal being aggrieved by the amount of compensation so determined, makes an application within the prescribed time to the State Government for referring the matter to an arbitrator, the amount of compensation to be paid shall be such as the arbitrator appointed in this behalf by the State Government may determine:

Provided further that where immediately before the requisitioning the vehicle or vessel was by virtue of a hire-purchase agreement in the possession of a person other than the owner, the amount determined under this sub-section as the total compensation payable in respect of the requisition shall be apportioned between that person and the owner in such manner as they may agree upon, and in default of agreement, in such manner as an arbitrator appointed by the State Government in this behalf may decide.

**162. Power to obtain information.**—The State Government may with a view to requisitioning any property under section 160 or determining the compensation payable under section 161, by order, require any person to furnish to such authority as may be specified in the order such information in his possession relating to such property as may be so specified.

**163. Powers of entry into and inspection of premises, etc.**—(1) Any person authorized in this behalf by the State Government may enter into any premises and inspect such premises and any vehicle, vessel or animal therein for the purpose of determining whether, and if so in what manner, an order under section 160 should be made in relation to such premises, vehicle, vessel or animal, or with a view to securing compliance with any order made under that section.

(2) In this section, the expressions "premises" and "vehicle" have the same meanings as in section 160.

**164. Eviction from requisitioned premises.**—(1) Any person remaining in possession of any requisitioned premises in contravention of any order made under section 160 may be summarily evicted from the premises by any officer empowered by the State Government in this behalf.

(2) Any officer so empowered may, after giving to any woman not appearing in public reasonable warning and facility to withdraw, remove or open any lock or bolt or break open any door of any building or do any other act necessary for effecting such eviction.

**165. Release of premises from requisition.**—(1) When any premises requisitioned under section 160 are to be released from requisition, the possession thereof shall be delivered to the person from whom possession was taken at the time when the premises were requisitioned, or if there were no such person, to the person deemed by the State Government to be the owner of such premises, and such delivery of possession shall be a full discharge of the State Government from all liabilities in respect of such delivery, but shall not prejudice any rights in respect of the premises which any other person may be entitled by due process of law to enforce against the person to whom possession of the premises is so delivered.

(2) Where the person to whom possession of any premises requisitioned under section 160 is to be given under sub-section (1) cannot be found or is not readily ascertainable or has no agent or any other person empowered to accept delivery on his behalf, the State Government shall cause a notice declaring that such premises are released from requisition to be affixed on some conspicuous part of such premises and publish the notice in the Official Gazette.

(3) When a notice referred to in sub-section (2) is published in the Official Gazette, the premises specified in such notice shall cease to be subject to requisition on and from the date of such publication and be deemed to have been delivered to the person entitled to possession thereof; and the State Government shall not be liable for any compensation or other claim in respect of such premises for any period after the said date.

**166. Delegation of functions of the State Government with regard to requisitioning.**—The State Government may, by notification in the Official Gazette, direct that any powers conferred or any duty imposed on that Government by any of the provisions of sections 160 to 165 shall, under such conditions, if any, as may be specified in the direction, be exercised or discharged by such officer or class of officers as may be so specified.

**167. Penalty for contravention of any order regarding requisitioning.**—If any person contravenes any order made under section 160 or section 162, he shall be punishable with imprisonment for a term which may extend to one year or with fine or with both.

**168.** [*Special provisions with respect to Rulers of former Indian States.*] *Rep. by the Rulers of Indian States (Abolition of Privileges) Act, 1972 (54 of 1972), s. 4 (w.e.f. 9-9-1972).*

#### PART XI GENERAL

**169. Power to make rules.**—(1) The Central Government may, after consulting the Election Commission, by notification in the Official Gazette, make rules<sup>1</sup> for carrying out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

<sup>2</sup>[(a) the form of affidavit under sub-section (2) of section 33A;]

<sup>3</sup>[(aa)] the duties of presiding officers and polling officers at polling stations;

<sup>4</sup>[(aaa) the form of contribution report;]

1. See the Conduct of Election Rules, 1961, in Vol. II.

2. Ins. by Act 72 of 2002, s. 6 (w.e.f. 24-8-2002).

3. Renumbered by s. 6, *ibid.* (w.e.f. 24-8-2002).

4. Ins. by Act 46 of 2003, s. 6.

(b) the checking of voters by reference to the electoral roll;

<sup>1</sup>[(bb) the manner of allocation of equitable sharing of time on the cable television network and other electronic media;];

(c) the manner in which votes are to be given both generally and in the case of illiterate voters or voters under physical or other disability ;

(d) the manner in which votes are to be given by a presiding officer, polling officer, polling agent or any other person, who being an elector for a constituency is authorised or appointed for duty at a polling station at which he is not entitled to vote;

(e) the procedure to be followed in respect of the tender of vote by a person representing himself to be an elector after another person has voted as such elector;

<sup>2</sup>[(ee) the manner of giving and recording of votes by means of voting machines and the procedure as to voting to be followed at polling stations where such machines are used;]

(f) the procedure as to voting to be followed at elections held in accordance with the system of proportional representation by means of the single transferable vote;

(g) the scrutiny and counting of votes including cases in which a recount of the votes may be made before the declaration of the result of the election;

<sup>2</sup>[(gg) the procedure as to counting of votes recorded by means of voting machines;]

(h) the safe custody of <sup>3</sup>[ballot boxes, voting machines], ballot papers and other election papers, the period for which such papers shall be preserved and the inspection and production of such papers;

<sup>4</sup>[(hh) the material to be supplied by the Government to the candidates of recognised political parties at any election to be held for the purposes of constituting the House of the People or the Legislative Assembly of a State;]

(i) any other matter required to be prescribed by this Act.

<sup>4</sup>[(3) Every rule made under this Act shall be laid as soon as may be after it is made before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or <sup>5</sup>[in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made,] the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.]

**170. Jurisdiction of civil courts barred.**—No civil court shall have jurisdiction to question the legality of any action taken or of any decision given by the returning officer or by any other person appointed under this Act in connection with an election.

**171. [Repeal of Act 39 of 1920.]** *Rep. by the Repealing and Amending Act, 1957 (36 of 1957), s. 2 and Sch. I.*

1. Ins. by Act 46 of 2003, s. 6.

2. Ins. by Act 1 of 1989, s. 16 (w.e.f. 15-3-1989).

3. Subs. by s. 16, *ibid.*, for "ballot boxes" (w.e.f. 15-3-1989).

4. Subs. by Act 40 of 1961, s. 29, for sub-section (3) (w.e.f. 20-9-1961), which was ins. by Act 27 of 1956, s. 82.

5. Subs. by Act 4 of 1986, s. 2 and Sch. (w.e.f. 15-5-1986).

## บรรณานุกรม

### Media electronic

<http://www.idea.int/political-finance/sources.cfm>

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## Sources

This page provides an overview of all sources per country. Click on the question number to see an answer that uses this source.

## Afghanistan

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| Regulation on Campaign Finance Disclosure by Wolesi Jirga Candidates   | Printed source | 4, 12, 17, 18, 37, 38, 42                                 |
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## All answers for Afghanistan

## Albania

| Attribution  | Type           | Used in Question  |
|--|----------------|---|
| GRECO (2008) Evaluation Report on Albania, Transparency of Party Funding (Theme II), GRECO         | Printed source | 1, 3, 19, 20, 21, 23, 26, 31, 36, 39, 41, 42  |
| The Electoral Code of the Republic of Albania, 2008 (Electoral Act)                                | Printed source | 2, 4, 7, 8, 13, 24  |
| Transparency International Albania (2013) Buying Influence: Money and Political Parties in Albania |                | 3, 5  |
| OSCE/ODIHR (2015) Needs Assessment Mission Report Republic of Albania Local Elections              |                | 20  |
| The Electoral Code of the Republic of Albania, 2010 (Electoral Act)                                |                | 34  |
| Law no. 9970 on Gender Equality in Society, 2008   |                | 27  |
| MoneyPoliticsTransparency.org. 2016. Albania.  |                | 35, 38, 40, 43  |
| The Electoral Code of the Republic of Albania, 2015  |                | 1, 2, 3, 4, 5, 6, 9, 10, 12, 15, 16, 17, 18, 19, 20, 21, 23, 24, 25, 27, 30, 31, 32, 34, 36, 37, 38, 39, 40, 43 |
| Criminal Code of the Republic of Albania, No 7895/1995, Consolidated version as of 2013            |                | 29  |

## All answers for Albania

## Algeria

| Attribution                                      | Type           | Used in Question                                   |
|--|----------------|--|
| Loi Organique relative au Régime Electoral, 1997 | Printed source | 39   |
| Law on the Political Parties, No. 97-09, 1997    | Printed source | 1, 3, 7, 9, 11, 13, 14, 19, 20, 21, 22, 35, 41, 43 |
| Political Party Law and National Election Law    | Printed source | 7  |

|   |                |   |
|---|----------------|---|
| Ordonnance No. 97-07 du 27 Chaoual 1417<br>correspondant au 6 mars 1997 portant loi organique<br>relative au régime électoral | Printed source | 33, 43  |
| Election Law  | Printed source | 2, 8, 10, 25, 29, 30, 34, 36, 37,<br>38, 39, 40 |

#### All answers for Algeria

#### Andorra

| Attribution  | Type           | Used in Question   |
|--|----------------|--|
| Lei Qualificada de Financiament Electoral, 2000  | Printed source | 2, 6, 8, 11, 12, 15, 16, 17, 25, 42  |
| OSCE/ODIHR (2011) Principality of Andorra, Early<br>Parliamentary Elections 3 April 2011, OSCE/ODIHR<br>Needs Assessment Mission Report 21-23 March 2011 ,<br>OSCE/ODIHR | Printed source | 16   |
| GRECO (2010) Evaluation Report on Andorra,<br>Transparency of Political Party Funding (Theme II).<br>Greco Third Evaluation Report, Strasbourg 27 May<br>2011            | Printed source | 7, 26, 30, 38  |
| Llei 28/2007, del 22 de novembre, qualificada de<br>modificació de la Llei qualificada del règim electoral i<br>del referèndum (Revision of 1993 electoral law)          | Printed source | 23, 25, 28   |
| Llei 19/2014,  |                | 1, 2, 3, 4, 5, 9, 10, 13, 14, 19, 20,<br>21, 33, 34, 35, 36, 37, 39, 40, 41,<br>43 |
| GRECO (2015),  |                | 1, 3, 4, 18, 19, 20, 36, 42  |

#### All answers for Andorra

#### Angola

| Attribution   | Type           | Used in Question  |
|---|----------------|---|
| Lei Eleitoral, 2004   | Printed source | 3, 20, 21, 35, 43   |
| Law No. 2/05  | Printed source | 23, 24, 26, 30  |
| EISA (2006) Angola: Mass media. Available at<br><a href="http://www.eisa.org.za/WEP/zamparties2.htm">http://www.eisa.org.za/WEP/zamparties2.htm</a> . Updated<br>August 2006, accessed 19 September 2011 , EISA | Printed source | 25  |
| European Union Election Observation Mission (2008) Angola,<br>Final Report, Parliamentary Elections, 5 September 2008   | Printed source | 41  |
| Lei Orgânica sobre as Eleições Gerais, Ley 36/2011  |                | 1, 2, 4, 5, 6, 7, 8, 11, 12, 19,<br>22, 29, 30, 36, 37, 38, 39, 40,<br>41, 42 |

#### All answers for Angola

#### Antigua and Barbuda

| Attribution  | Type           | Used in Question  |
|--|----------------|---|
| Representation of the People (Amendment) Act 2001  | Printed source | 7, 8, 9, 10, 11, 12, 15, 23, 25, 26,<br>28, 29, 31, 36, 37, 38, 39, 40, 41,<br>43 |
| Commonwealth Secretariat (2009) Antigua and<br>Barbuda General Election 12 March 2009, Report of<br>the Commonwealth Expert Team, Commonwealth<br>Secretariat        | Printed source | 28  |
| Representation of the People Act, Chapter 379, 1975  | Printed source | 7, 8, 10, 11, 12, 15, 28, 30, 31,<br>37, 38, 41, 43                               |
| Ryan, Selwyn, Disclosure and Enforcement of Political<br>Party and Campaign Financing in CARICOM States in<br>Griner, Steven & Zovatto, Daniel (ed. by) (2005), From | Printed source | 11, 19, 28, 30, 31, 33, 38, 41  |



|  |                |            |
|--|----------------|------------|
| Grassroots to the Airwaves: Paying for Political Parties and Campaigns in The Caribbean, The Organization of American States (OAS) and International IDEA, Washington D.C , OAS/IDEA |                |            |
| Representation of the People (Amendment) Act, 2002   | Printed source | 23, 24, 30 |

#### All answers for Antigua and Barbuda

#### Argentina

| Attribution  | Type           | Used in Question  |
|--|----------------|---|
| Ley de Financiamiento de los partidos políticos, Ley 26.215, December 2009 (Financing Law)   | Printed source | 1, 3, 5, 7, 9, 11, 12, 13, 14, 15, 16, 20, 21, 22, 23, 24, 25, 26, 27, 28, 31, 32, 33, 35, 36, 37, 38, 39, 40, 43 |
| Código Electoral Nacional, Ley 19.945; Decreto 2135, December 2009 (Electoral Law)   | Printed source | 29, 30, 43  |
| Expert input provided by Delia Ferreira Rubio, Independent Consultant; International Board of Transparency International, October 2011 | Expert         | 3, 6, 17, 27, 28, 29, 30  |
| MoneyPoliticsTransparency.org. 2016. Argentina   |                | 2, 4, 6, 8, 10, 17, 19, 37, 40, 41, 42  |
| Cost of Democracy: Essays on Political Finance in Latin America. International IDEA. 2016.   |                | 23  |
| Cost of Democracy: Essays on Political Finance in Latin America. International IDEA: 2016.   |                | 12  |

#### All answers for Argentina

#### Armenia

| Attribution   | Type           | Used in Question  |
|---|----------------|---|
| Law of the Republic of Armenia on Political Parties, 2002                                   | Printed source | 1, 3, 5, 7, 9, 11, 12, 13, 19, 20, 21, 26, 35, 36, 38, 40   |
| Electoral Code of Armenia, 2011   | Printed source | 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 15, 16, 17, 18, 23, 24, 25, 26, 29, 30, 31, 32, 33, 34, 36, 37, 38, 40, 41, 43 |
| GRECO (2010) Evaluation Report on Armenia, Transparency of Party Funding (Theme II) , GRECO | Printed source | 13, 43  |
| Central Election Commission, Decision N53-N, August 11, 2011                                |                | 39  |
| Greco (2014),   |                | 40, 41  |

#### All answers for Armenia

#### Australia

| Attribution   | Type              | Used in Question   |
|---|-------------------|--------------------|
| Commonwealth Electoral Act, 1918  | Printed source    | 29, 41             |
| Australian Electoral Commission (2011) Funding and Disclosure Guide 2010–2011 for Political Parties   | Printed source    | 35, 39, 40, 43     |
| Australian Electoral Commission (2011) Election Funding and Disclosure Report – Federal Election 2010   | Printed source    | 19, 20, 36, 38, 42 |
| More than luck (2010) Strengthening Democracy. Available at <a href="http://morethanluck.cpd.org.au/more-than-luck/strengthening-democracy/">http://morethanluck.cpd.org.au/more-than-luck/strengthening-democracy/</a> , Published 15/07/2010, Accessed 14/11/2011 | Electronic source | 7, 8               |
| Australian Electoral Commission (2011) Funding and Disclosure Guide 2010–2011 for Candidates and Senate Groups  | Printed source    | 19, 37, 40         |
| Dub, Caroline (2007) Political Donations by Companies: A Corporate Law  | Printed source    | 3, 4               |

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|--|-------------------|-------------------|
| Mayer, Kenneth R. (2006) Sunlight as the best disinfectant: Campaign finance in Australia. Democratic Audit of Australia, Discussion Paper 31/06 (October 2006)  | Printed source    | 22                |
| Library of Congress (2011) Campaign Finance: Comparative Summary. Available at <a href="http://loc.gov/law/help/campaign-finance/comparative-summary.php">http://loc.gov/law/help/campaign-finance/comparative-summary.php</a> , Published 4/4/2011, Accessed 14/11/2011   | Electronic source | 13, 15, 17        |
| Library of Congress (2011) Campaign Finance: Australia. Available at <a href="http://loc.gov/law/help/campaign-finance/australia.php">http://loc.gov/law/help/campaign-finance/australia.php</a> , Published 11/5/2011, Accessed 14/11/2011  | Electronic source | 1, 23             |
| Australian Government, the Treasury (2010) Removing Tax Deductibility for Political Donations. Available at <a href="http://www.dpm.gov.au/DisplayDocs.aspx?doc=pressreleases/2010/030.htm&amp;pageID=003&amp;min=njsa&amp;Year=&amp;DocType=0">http://www.dpm.gov.au/DisplayDocs.aspx?doc=pressreleases/2010/030.htm&amp;pageID=003&amp;min=njsa&amp;Year=&amp;DocType=0</a> , Published 25/2/2010, Accessed 14/11/2011 | Electronic source | 26                |
| Gray, Anthony & Jones, Nicky (2010) To Give and to Receive: The Australian Government's Proposed Electoral Finance Reform  | Printed source    | 2, 13, 15, 17, 33 |
| Hourigan, Benjamin, Who Pays? Political donations and democratic accountability. Available at <a href="http://www.ipa.org.au/library/58-3-HOURIGAN.pdf">http://www.ipa.org.au/library/58-3-HOURIGAN.pdf</a> , Published N/A, Accessed 14/11/2011   | Electronic source | 31                |
| Australian Public Service Commission (2009) APS Values and Code of Conduct in practice   | Printed source    | 30                |
| Australian Government Taxation Office. Available at: <a href="http://www.ato.gov.au/content/61195.htm">http://www.ato.gov.au/content/61195.htm</a>   |                   | 26                |
| Australian Election Commission website, "Disclosure Threshold", available at <a href="http://www.aec.gov.au/Parties_and_Representatives/public_funding/threshold.htm">http://www.aec.gov.au/Parties_and_Representatives/public_funding/threshold.htm</a>   |                   | 9, 10             |
| Australian Electoral Commission (2012). Funding and Disclosure Guide 2011-2012 for Political Parties   |                   | 39                |
| MoneyPoliticsTransparency.org.2016. Australia.   |                   | 9, 10, 11, 21     |
| MoneyPoliticsTransparency.org, 2016, Link: Australia: <a href="https://data.moneypoliticstransparency.org/countries/AU/">https://data.moneypoliticstransparency.org/countries/AU/</a>  |                   | 35, 37            |

#### All answers for Australia

#### Austria

| Attribution   | Type           | Used in Question   |
|---|----------------|--|
| OSCE/ODIHR (2010) Republic of Austria, Presidential Election 25 April 2010, OSCE/ODIHR Election Assessment Mission Report , OSCE/ODIHR                                      | Printed source | 4, 7, 8, 11, 17, 23, 25  |
| Nassmacher, Karl-Heinz (2009) The Funding of Party Competition, Political Finance in 25 Democracies. Nomos, Baden-Baden   | Printed source | 26   |
| GRECO (2011) Evaluation Report on Austria, Transparency of Political Party Funding (Theme II). Greco Third Evaluation Report, Strasbourg 9 December 2011                    |                | 7, 17, 23, 25, 26  |
| Federal Act on Federal Support of Political Parties (Support of Political Parties Act 2012), Federal Law Gazette I No. 57/2012  |                | 6, 19, 20, 21, 22  |
| Federal Act on the Financing of Political Parties (Political Parties Act 2012 [Parteiengesetz 2012]), Federal Law Gazette I No. 56/2012                                     |                | 1, 3, 5, 9, 12, 13, 15, 31, 32, 33, 34, 38, 39, 40, 41, 42, 43 |
| Money, Politics & Transparency. 2016. Link: <a href="https://data.moneypoliticstransparency.org/countries/AT/">https://data.moneypoliticstransparency.org/countries/AT/</a> |                | 2, 10, 35, 36, 37, 38  |
| Cost of Democracy: Essays on Political Finance in Latin America. International IDEA. 2016.  |                | 26   |
| GRECO (2014) "Compliance report on Austria, Transparency on Party Funding"  |                | 9, 32, 35, 36, 37, 40, 43                                      |

#### All answers for Austria

#### Azerbaijan

| Attribution   | Type           | Used in Question  |
|---|----------------|---|
| Election Code of the Republic of Azerbaijan, 2003   | Printed source | 8, 12   |
| Law on Political Parties of the Republic of Azerbaijan, 1992  | Printed source | 5, 43   |
| GRECO (2010) Evaluation Report on Azerbaijan, <i>Transparency of Party Funding (Theme II)</i> , GRECO                       | Printed source | 24, 26, 31, 32, 33, 34  |
| 2012 Amendment to the Law on Political Parties of the Republic of Azerbaijan, 1992  |                | 1, 3, 7, 11, 12, 19, 20, 21, 22, 27, 35, 39, 41   |
| GRECO (2015) Second Compliance Report Azerbaijan: "Incriminations (ETS 173, 191, GPC2)" and "Transparency of Party Funding" |                | 38, 41, 43  |
| Election Code of Azerbaijan, as amended 2013  |                | 2, 4, 5, 6, 9, 10, 11, 15, 16, 17, 18, 23, 24, 25, 26, 29, 30, 31, 32, 33, 34, 36, 37, 38, 39, 40, 41, 43 |

#### All answers for Azerbaijan

#### Bahamas

| Attribution  | Type           | Used in Question  |
|--|----------------|---|
| Parliamentary Elections Act, 1992  | Printed source | 29  |
| Ryan, Selwyn, Disclosure and Enforcement of Political Party and Campaign Financing in CARICOM States in Griner, Steven & Zovatto, Daniel (ed. by) (2005), From Grassroots to the Airwaves: Paying for Political Parties and Campaigns in The Caribbean, The Organization of American States (OAS) and International IDEA, Washington D.C, OAS/IDEA | Printed source | 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 12, 13, 15, 17, 19, 31, 33, 35, 36, 37 |
| Payne, Douglas, Political Financing: Access of Political Parties to the Media in Griner, Steven & Zovatto, Daniel (ed. by) (2005), From Grassroots to the Airwaves: Paying for Political Parties and Campaigns in The Caribbean, The Organization of American States (OAS) and International IDEA, Washington D.C, OAS/IDEA                        | Printed source | 23, 25  |
| Transparency International (2004) National Integrity Systems, Transparency International Country Study Report, Caribbean Composite Study 2004, <i>Transparency International</i>   | Printed source | 13, 15, 17, 19  |
| Lobosky, Reginald H, Political Party and Campaign Financing in Bahamas. Organization of American States  |                | 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 12                                     |
| Political Bahamas Blog (2010) Ban foreign money from Bahamian elections, Available at <a href="http://political-bahamas.blogspot.cz/2010/11/ban-foreign-money-from-bahamian.html">http://political-bahamas.blogspot.cz/2010/11/ban-foreign-money-from-bahamian.html</a> . Published 9 November 2010, Accessed 24 August 2012.                      |                | 1, 2  |

#### All answers for Bahamas

#### Bahrain

| Attribution   | Type | Used in Question            |
|---|------|-----------------------------|
| Political Association Law   |      | 1, 3, 9, 11, 35, 39, 40, 41 |
| AbdulHadi Al-Khawaja & Abbas Mirza Al-Moorshd (2008) A study of political organizations and associations in Bahrain, The study project on parties in Arab countries |      | 1, 9, 11, 19, 40, 41, 43    |

#### All answers for Bahrain

#### Bangladesh

| Attribution | Type | Used in Question |
|-------------|------|------------------|
|-------------|------|------------------|

|  |                   |  |
|--|-------------------|--|
| Representation of the People Order, 1972   | Printed source    | 2, 4, 6, 8, 9, 31, 32                              |
| Representation of the People Order (Amendment) Act, 2009   | Printed source    | 1, 3, 5, 7, 28, 31, 33, 34, 36, 38, 39, 41, 43     |
| Representation of the People Order, 1972 (as amended up to October 2008)   | Printed source    | 10, 12, 15, 16, 17, 23, 24, 26, 29, 30, 37, 40, 42 |
| Transparency International Bangladesh (2009) Transparency in Political Finance in Bangladesh, Transparency International Bangladesh, Dhaka, <i>Transparency International Bangladesh</i>                                   | Printed source    | 19, 25, 35, 41                                     |
| Bangladesh Election Commission, Bangladesh Electoral System. Available at <a href="http://www.ecs.gov.bd/English/">http://www.ecs.gov.bd/English/</a> . Published N/A, accessed N/A, <i>Bangladesh Election Commission</i> | Electronic source | 24   |
| Money, Politics and Transparency. 2016. Link: <a href="https://data.money politicstransparency.org/countries/BD/">https://data.money politicstransparency.org/countries/BD/</a>  |                   | 11, 13, 14   |

#### All answers for Bangladesh

#### Barbados

| Attribution   | Type           | Used in Question                              |
|---|----------------|---|
| The General Elections (Allocation of Broadcasting Time) Regulations, 1990   | Printed source | 23, 24, 25                                    |
| Wickham, Peter W & Marshall, Dave, Political Party and Campaign financing in Barbados, OAS Unit for the Promotion of Democracy/International IDEA   | Printed source | 26, 27, 38, 39                                |
| Selvin, Ryan, Disclosure and Enforcement of Political Party and Campaign Financing in CARICOM States in Griner, Steven & Zovatto, Daniel (ed. by) (2005), From Grassroots to the Airwaves: Paying for Political Parties and Campaigns in The Caribbean, The Organization of American States (OAS) and International IDEA, Washington D.C.   | Printed source | 3, 13, 15, 17, 19, 20, 31, 33, 35, 36, 39, 40 |
| Barrow-Giles, Cynthia, Political Party Financing and Women's Political Participation in the Caribbean in Griner, Steven & Zovatto, Daniel (ed. by) (2005), From Grassroots to the Airwaves: Paying for Political Parties and Campaigns in The Caribbean, The Organization of American States (OAS) and International IDEA, Washington D.C   | Printed source | 27, 28  |
| Ryan, Selwyn, Disclosure and Enforcement of Political Party and Campaign Financing in CARICOM States in Griner, Steven & Zovatto, Daniel (ed. by) (2005), From Grassroots to the Airwaves: Paying for Political Parties and Campaigns in The Caribbean, The Organization of American States (OAS) and International IDEA, Washington D.C, <i>OAS/IDEA</i>   | Printed source | 2, 4, 6, 37                                   |
| Representation of the People Act, No 12 of 1991   |                | 2, 4, 6, 8, 10, 37                            |
| Barbados Free Press (2007) Cuban Government Injects Monies Into Barbados Political Party – Should This Be Allowed?. Available at <a href="http://barbadosfreepress.wordpress.com/2007/05/21/cuban-government-injects-monies-into-barbados-political-party-should-this-be-allowed/">http://barbadosfreepress.wordpress.com/2007/05/21/cuban-government-injects-monies-into-barbados-political-party-should-this-be-allowed/</a> , Published 21 May 2007, Accessed 24 August 2012 |                | 1   |

#### All answers for Barbados

#### Belarus

| Attribution   | Type           | Used in Question  |
|---|----------------|---|
| Electoral Code of the Republic of Belarus, No. 370-Z, 2000  | Printed source | 20, 21, 24, 29, 30, 35  |
| Legal Acts on Political Parties, No. 3266-XII of Oct 5, 94, 1994  | Printed source | 1, 3, 5, 7, 9, 11, 12, 41, 42, 43                                     |
| Venice Commission & OSCE/ODIHR (2010) Joint Opinion on the Amendments to the Electoral Code of Belarus as of 17 December 2009 | Printed source | 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 15, 16, 17, 18, 25, 33, 34, 37, 43 |
| Law On Amendments and Modifications to Some Laws of the Republic of Belarus Regulating the Conduct of                         | Printed source | 12, 26, 30, 39, 40  |

|   |  |    |
|---|--|----|
| Elections and Referendums, 2009   |  |    |
| OSCE/ODIHR (2012) Republic of Belarus – Parliamentary Elections, 23 September 2012, Statement of Preliminary Findings and Conclusions |  | 10 |
| Electoral Code of the Republic of Belarus, No. 370-Z, 2000 (amended 2013)   |  | 23 |

#### All answers for Belarus

#### Belgium

| Attribution   | Type           | Used in Question  |
|---|----------------|---|
| Code Electoral/Algemeen Kieswetboek   | Printed source | 29  |
| Political Finance Act, 1989   | Printed source | 22, 40  |
| GRECO (2009), Evaluation Report on Belgium, Transparency of Political Party Funding (Theme II), GRECO   | Printed source | 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 12, 15, 17, 18, 26, 30, 35, 36, 37, 39, 41, 42, 43   |
| Bruce E. Cain, Russell J. Dalton, Susan E. Scarrow (2003) Democracy transformed?: expanding political opportunities in advanced industrial democracies, Oxford University Press, Oxford | Printed source | 24, 25  |
| OSCE/ODIHR (2007) Belgium, Federal Election 10 June 2007, OSCE/ODIHR Needs Assessment Mission Report, OSCE/ODIHR  | Printed source | 24  |
| Nassmacher, Karl-Heinz (2009) The Funding of Party Competition, Political Finance in 25 Democracies. Nomos, Baden-Baden   | Printed source | 26  |
| Money, Politics and Transparency. 2016. Link: <a href="https://data.moneypoliticstransparency.org/countries/BE/">https://data.moneypoliticstransparency.org/countries/BE/</a>           |                | 19, 21, 23, 32, 33, 34, 38  |
| Loi 4 Juillet 1989, "relative à la limitation et au contrôle des dépenses électorales, ainsi qu'au financement et à la comptabilité ouverte des partis politiques", as modified in 2014 |                | 3, 4, 9, 10, 11, 12, 13, 14, 18, 19, 20, 21, 31, 32, 33, 34, 35, 39, 40, 41, 42, 43 |

#### All answers for Belgium

#### Belize

| Attribution   | Type           | Used in Question                                  |
|---|----------------|---|
| Representation of the People Act, 1978  | Printed source | 29  |
| Payne, Douglas, Political Financing: Access of Political Parties to the Media in Griner, Steven & Zovatto, Daniel (ed. by) (2005), From Grassroots to the Airwaves: Paying for Political Parties and Campaigns in The Caribbean, The Organization of American States (OAS) and International IDEA, Washington D.C., OAS/IDEA                        | Printed source | 23, 25  |
| Ryan, Selwyn, Disclosure and Enforcement of Political Party and Campaign Financing in CARICOM States in Griner, Steven & Zovatto, Daniel (ed. by) (2005), From Grassroots to the Airwaves: Paying for Political Parties and Campaigns in The Caribbean, The Organization of American States (OAS) and International IDEA, Washington D.C., OAS/IDEA | Printed source | 1, 3, 5, 7, 9, 13, 15, 17, 19, 31, 33, 35, 36, 37 |

#### All answers for Belize

#### Benin

| Attribution   | Type           | Used in Question   |
|---|----------------|--|
| Charte des Partis Politiques, Loi 2001-21, 2001           | Printed source | 1, 3, 9, 13, 14, 20, 21, 26, 35, 38, 39, 40  |
| Loi Electorale, Loi No. 2010-33, 2010 (Electoral Law Act) | Printed source | 7, 8, 11, 16, 18, 20, 21, 22, 23, 24, 25, 29, 30, 31, 32, 33, 34, 36, 37, 38, 40, 41, 43 |

## All answers for Benin

## Bhutan

| Attribution  | Type           | Used in Question  |
|--|----------------|---|
| Election Act of the Kingdom of Bhutan, 2008  | Printed source | 11, 29, 30  |
| Public Election Fund Act of the Kingdom of Bhutan, 2008  | Printed source | 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 25, 26, 27, 31, 32, 33, 34, 36, 37, 38, 39, 40, 41, 42, 43 |
| Media Coverage of Election Rules and Regulations of the Kingdom of Bhutan, 2009, Election Commission of Bhutan, 2009, <i>Election Commission of Bhutan</i>   | Printed source | 23, 24, 25, 30  |
| European Union Election Observation Mission (2008). Bhutan, Final Report, National Assembly Elections, 24 March 2008. EU Election Observation Mission, 21 May 2008, <i>EU Election Observation Mission</i> | Printed source | 6, 27, 28   |
| Election Commission of Bhutan, Public Transport for Elections Regulations of the Kingdom of Bhutan, 2012   |                | 29  |
| Election Commission of Bhutan, Political Party Rules of the Kingdom of Bhutan, 2012  |                | 3, 14, 29, 30, 31, 33, 35, 40   |

## All answers for Bhutan

## Bolivia

| Attribution  | Type                  | Used in Question                                 |
|--|-----------------------|--|
| Republic of Bolivia Constitution, 2009   | Printed source        | 6, 8, 10, 17, 25                                 |
| Ley de Partidos Políticos, No. 1983  | Political Parties Act | 1, 3, 7, 9, 12, 13, 14, 35, 43                   |
| Ley del Régimen Electoral, Ley No. 026, June 30 2010   | Electoral Act         | 1, 6, 10, 12, 17, 29, 30, 35, 36, 39, 40, 41, 43 |
| Ley de Régimen Electoral, Ley No. 018, June 16 2010  | Printed source        | 24, 35   |
| Texto ordenado de la Ley de Reforma Tributaria, Ley No. 843, May 28 1986   | Printed source        | 26   |
| Ley No. 004, March 31 2010   | Printed source        | 30, 41   |
| Global Integrity Report (2010) Scorecard: Bolivia 2010. Available at <a href="http://www.globalintegrity.org/report/Bolivia/2010/scorecard">http://www.globalintegrity.org/report/Bolivia/2010/scorecard</a>   |                       | 4  |
| ACE Encyclopaedia (2011) Parties and Candidates; Bolivia. Available at <a href="http://aceproject.org/epic-es/CDCountry?set_language=en&amp;topic=PC&amp;country=BO">http://aceproject.org/epic-es/CDCountry?set_language=en&amp;topic=PC&amp;country=BO</a> |                       | 19   |
| Ley N° 3925 Ley De 21 De Agosto De 2008  |                       | 19   |
| Money, Politics and Transparency. 2016. Available at: <a href="https://data.moneypoliticaltransparency.org/countries/BO/">https://data.moneypoliticaltransparency.org/countries/BO/</a>  |                       | 2, 11, 23, 38                                    |
| Cost of Democracy: Essays on Political Finance in Latin America. International IDEA. 2016  |                       | 5  |

## All answers for Bolivia

## Bosnia and Herzegovina

| Attribution   | Type | Used in Question   |
|---|------|--|
| Law on Political Party Financing of Bosnia and Herzegovina 2012   |      | 1, 2, 3, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 18, 20, 21, 27, 35, 36, 38, 39, 40, 42, 43 |
| International IDEA: 2014. Funding of Political Parties and Election Campaigns: A Handbook on Political Finance. |      | 28   |

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|--|--|--|
| Money, Politics and Transparency. 2016. Available at:<br><a href="https://data.money politicstransparency.org/countries/BA/">https://data.money politicstransparency.org/countries/BA/</a> |  | 5, 9, 17   |
| Election Law of BiH (2014), Published in Official Gazette of BiH 7/14  |  | 23, 24, 25, 29, 30, 31, 32, 33, 34, 37, 38, 40, 41 |

#### All answers for Bosnia and Herzegovina

#### Botswana

| Attribution  | Type           | Used in Question                                   |
|--|----------------|--|
| EISA (2009) Botswana Parliamentary and Local Government Elections 16 October 2009, EISA Election Observer Mission Report No.35, Johannesburg, EISA   | Printed source | 1, 7, 13, 14, 16, 19, 20, 21, 22, 26               |
| Electoral Act, Chapter 02:09   | Printed source | 29, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 43 |
| EISA (2005) Political Parties in Botswana, EISA Research Report No 27, Johannesburg, EISA  | Printed source | 9, 39  |
| Money, Politics and Transparency. 2016. Available at:<br><a href="https://data.money politicstransparency.org/countries/BW/">https://data.money politicstransparency.org/countries/BW/</a> |                | 11   |

#### All answers for Botswana

#### Brazil

| Attribution  | Type           | Used in Question  |
|--|----------------|---|
| Constituição da República Federativa do Brasil (2010) (Constitution)   | Printed source | 1, 19, 23   |
| Lei dos Partidos Políticos No. 9.096, de 19 de setembro de 1995 (2009), (Political Parties' Law)   | Printed source | 1, 5, 7, 9, 13, 19, 21, 22, 24, 25, 26, 35, 36, 38, 40, 41, 42, 43                |
| Lei das Eleições No. 9.504, de 30 de setembro de 1997 (2010), (Electoral Law)  | Printed source | 1, 2, 6, 7, 8, 10, 11, 12, 15, 16, 17, 24, 29, 30, 31, 33, 34, 37, 38, 39, 40, 42 |
| Gutiérrez, Pablo & Zovatto, Daniel (eds) (2011) Financiamento de los partidos políticos en América Latina, IDEA/OAS/UNAM, Mexico   | Printed source | 13  |
| 1838, Brazilian Elections' Law (9.504/97)  |                | 18  |
| Brazilian Elections' Law (9.504/97)  |                | 18  |
| Processo ADI/4650, Supremo Tribunal Federal.   |                | 3, 4  |
| National Election Law #13.165/2015   |                | 28  |
| Money, Politics and Transparency, 2016. Available at:<br><a href="https://data.money politicstransparency.org/countries/BR/">https://data.money politicstransparency.org/countries/BR/</a> |                | 23  |
| Cost of Democracy: Essays on Political Finance in Latin America. International IDEA. 2016.   |                | 20  |

#### All answers for Brazil

#### Bulgaria

| Attribution   | Type           | Used in Question                         |
|---|----------------|--|
| Elections of Members of Parliament Act, 2001  | Printed source | 2, 6, 8, 10                              |
| Political Parties Act, 2009   | Printed source | 2, 5, 11, 12, 19, 22, 27, 28, 35, 40, 41 |
| Presidential Election Act, 1991   | Printed source | 2, 6, 10                                 |
| Election Code of Bulgaria   | Printed source | 17, 18, 20, 21                           |
| GRECO (2010) Evaluation Report on Bulgaria, Transparency of Party Funding (Theme II), GRECO | Printed source | 3, 4, 7, 10, 20, 22, 26, 39, 42          |

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|--|--|
| Money, Politics and Transparency. 2016. Available at:<br><a href="https://data.money politicstransparency.org/countries/BG/">https://data.money politicstransparency.org/countries/BG/</a> | 11, 13, 14, 15, 31, 32, 33,<br>34, 35, 36, 37, 38, 43  |
| Election Code of Bulgaria, March 2014, published in Official Gazette<br>nr. 19, 2014   | 1, 3, 9, 11, 12, 13, 14, 17,<br>18, 23, 24, 25, 29, 30, 31,<br>32, 34, 36, 37, 38, 39, 40,<br>43 |
| OSCE/ODIHR (August 2014) Needs Assessment Mission Report   | 19, 20, 21, 24   |
| GRECO (2014) Second Compliance Report on Bulgaria,<br>"Incriminations (ETS 173 and 191, GPC2)", "Transparency of Party<br>Funding"   | 30, 41   |

#### All answers for Bulgaria

#### Burkina Faso

| Attribution  | Type           | Used in Question                              |
|--|----------------|---|
| Loi No. 014-2001/AN portant Code Électoral, 2001   | Printed source | 29  |
| Loi No. 008-2009/AN portant Financement des Partis<br>et Formations Politiques et des Campagnes Electorales  | Printed source | 20, 21, 22, 30, 35, 36, 37, 38, 40,<br>41, 43 |
| Loi 028/AN du 14 juin 2008 portant Creation,<br>Attribution et Fonctionnement du Conseil Superieur de<br>la Communication  | Printed source | 23, 24, 25                                    |
| Loi No. 009-2009/AN portant Statut de l'Opposition<br>Politique  | Printed source | 23, 26  |
| Recommandation No. 2010-001/CSC relative a L'egal<br>Acces des Partis Politiques aux Media en Periode Hors<br>Electorale   | Printed source | 23  |
| Boly, M. Abdouramane, Sampinbogo M. Salifou (2006)<br>Le mode de financement des partis politiques au<br>Burkina Faso, ACCPUF-Bulletin N06, Novembre 2006              | Printed source | 1, 2, 3, 4, 5, 6, 7, 8, 9, 10                 |
| Wondwosen Teshome B (2009) Political Finance in<br>Africa: Ethiopia as a Case Study, International Journal<br>of Human and Social Sciences 4:6 2009                    | Printed source | 13  |
| Ohman, Magnus (2011) Global Trends in the<br>Regulation of Political Finance. Paper presented at the<br>IPSA-ECPR Joint Conference, Sao Paulo 16 – 19<br>February 2011 |                | 27  |

#### All answers for Burkina Faso

#### Burundi

| Attribution   | Type           | Used in Question  |
|---|----------------|---|
| Loi Portant Code Electoral, 2005  | Printed source | 23, 24, 25, 29, 30, 43  |
| Constitution Post- Transition de la Republique du Burundi   | Printed source | 1   |
| Loi No. 1/006 du 26 juin 2003 portant Organisation et<br>Fonctionnement des Partis Politiques   | Printed source | 1, 3, 5, 19, 20, 21, 22, 23,<br>24, 30, 35, 39, 40, 41, 42,<br>43 |
| Code de Bonne Conduite des Partis Politiques, des Medias et de<br>l'Administration en Periode Electorale, Fevrier 2010  | Printed source | 5, 19, 20, 21, 23, 24, 30   |
| Union Europeenne Mission D'Observation Electorale (2010) Burundi,<br>Rapport Final, Elections communales, présidentielle, législatives,<br>sénatoriales et collinaires 2010,                                  | Printed source | 19  |
| Global Integrity Report (2007) Scorecard: Burundi 2007. Available<br>at <a href="http://report.globalintegrity.org/Burundi/2007/scorecard/27">http://report.globalintegrity.org/Burundi/2007/scorecard/27</a> |                | 2, 4, 6   |

#### All answers for Burundi

#### Cambodia

| Attribution | Type | Used in Question |
|-------------|------|------------------|
|-------------|------|------------------|



|  |                |  |
|--|----------------|--|
| Law on Elections of Members of the National Assembly, 1997                                 | Printed source | 29, 41   |
| Law on Political Party, 1997   | Printed source | 1, 3, 5, 7, 11, 12, 19, 21, 22, 35, 40, 41, 43                   |
| Ohman, Magnus (2011) Political Finance Regulations in Cambodia. IFES, Phnom Penh           | Printed source | 7, 9, 13, 15, 17, 21, 23, 24, 26, 30, 31, 33, 36, 37, 39, 40, 43 |
| Law on Political Party, 2007   | Printed source | 20   |
| Expert input provided by Phea Sat, Program Coordinator for Electoral Affairs IFES Cambodia | Expert         | 2, 4, 6, 8, 10   |

#### All answers for Cambodia

#### Cameroon

| Attribution   | Type           | Used in Question   |
|---|----------------|--------------------|
| Loi No. 200/015 on Party and Campaign Financing, 2000   | Printed source | 19, 20, 21, 22, 43 |
| Law No. 90-56 relating to Political Parties, 1990   | Printed source | 1, 13, 14, 23, 24  |
| Loi No. 92/010 du 17 Septembre 1992 fixant les conditions d'élection et de suppléance a la Présidence de la République  | Printed source | 29                 |
| Decret No 2000/35 du 08 Octobre 2001 fixant l'Organisation, la Composition, les Attributs et les Modalités de fonctionnement de la Commission de Contrôle de l'Utilisation des Fonds destinés au Financement Public des Partis Politiques | Printed source | 35, 36, 40, 41     |
| Law relating to the electoral code, 2012  |                | 2, 26, 29          |

#### All answers for Cameroon

#### Canada

| Attribution  | Type           | Used in Question  |
|--|----------------|---|
| Canada Elections Act, 2000                         | Printed source | 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 20, 23, 24, 25, 29, 31, 32, 33, 34, 35, 36, 37, 39, 40, 43 |
| Income Tax Act                                     | Printed source | 26  |
| Canada Elections Act, 2000                         |                | 19, 41  |
| Canada Elections Act 2000 (1 April 2012 amendment) |                | 15, 17, 18  |
| 2425, Canada Elections Act, 2000                   |                | 21  |
| Canada Elections Act (amended 2015)                |                | 38  |

#### All answers for Canada

#### Cape Verde

| Attribution   | Type           | Used in Question  |
|---|----------------|---|
| Código Eleitoral, Lei No. 56/VII/2010   | Printed source | 1, 2, 3, 4, 5, 6, 9, 10, 11, 12, 19, 20, 21, 22, 23, 24, 25, 26, 27, 29, 30, 31, 32, 33, 34, 36, 37, 38, 39, 40, 41, 43 |
| Wondwosen Teshome B (2009) Political Finance in Africa: Ethiopia as a Case Study, International Journal of Human and Social Sciences 4:6 2009 | Printed source | 13  |

#### All answers for Cape Verde

#### Central African Republic

| Attribution | Type | Used in Question |
|-------------|------|------------------|
|             |      |                  |

|   |                |  |
|---|----------------|--|
| Constitution of CAR, 2003   | Printed source | 28   |
| Loi No. 09.016 portant Code Electoral de la République Centrafricaine, 02 Octobre 2009 (Electoral Act)  | Printed source | 23, 24, 25, 26, 29, 30, 37, 38, 40, 41, 43 |
| EISA (2010) EISA Pre-election Assessment Mission: Central African Republic, March 2010, EISA, Johannesburg, EISA                              | Printed source | 23, 25                                     |
| Wordwosen Teshome B (2009) Political Finance in Africa: Ethiopia as a Case Study, International Journal of Human and Social Sciences 4:6 2009 | Printed source | 1, 9, 13, 35, 36                           |

#### All answers for Central African Republic

##### Chad

| Attribution  | Type           | Used in Question                       |
|--|----------------|--|
| Constitution de la Republique du Tchad, 1996   | Printed source | 23, 24                                 |
| Code Electoral, No. 003/2009, 2009   | Printed source | 19, 20, 21, 22, 25, 26, 29, 30, 31, 43 |
| Loi no 45 du 14 decembre 1994, portant Charte des Partis Politiques  | Printed source | 1, 3, 5, 7, 9, 40                      |
| Code de Bonne Conduite des Partis, des Groupements Politiques et des Candidats aux Elections au Tchad                    | Printed source | 29, 30                                 |
| Union Europeenne Mission D'Observation Electorale (2011) Tchad, Rapport Final, Elections législatives du 13 février 2011 | Printed source | 20                                     |

#### All answers for Chad

##### Chile

| Attribution   | Type                  | Used in Question   |
|---|-----------------------|--|
| Ley 19884, 2003 (Political finance law)   | Political Finance Act | 21   |
| Constitución Política de la República de Chile (July 2011) (Constitution)   | Printed source        | 1, 2, 42   |
| Ley No. 18603, Orgánica Constitucional de los Partidos Políticos (August 2003) (Political Parties' Law)   | Printed source        | 1, 2, 26, 35, 40, 42, 43                                   |
| Ley No. 18700, Orgánica sobre votaciones populares y escrutinios (September 2009) (Voting and Counting Law)   | Printed source        | 1, 2, 23, 24, 25, 29                                       |
| Ley No. 19884, Sobre Transparencia, Límite y Control del Gasto Electoral (September 2005) (Financing Law)   | Printed source        | 1, 2, 7, 8, 12, 19, 20, 30, 36, 37, 38, 41, 42, 43         |
| Money, Politics and Transparency. 2016. Available at: <a href="https://data.moneypoliticalstransparency.org/countries/CL/">https://data.moneypoliticalstransparency.org/countries/CL/</a> |                       | 11, 21, 32, 33, 34   |
| Cost of Democracy: Essays on Political Finance in Latin America. International IDEA. 2016.  |                       | 23, 42   |
| Ley 18603 Ley Orgánica Constitucional de los Partidos Políticos (April 2016) (Political Parties' Law) (Printed Source)  |                       | 3, 13, 14, 19, 20, 22, 28, 43                              |
| Ley 19884, Sobre transparencia, límite y control del gasto electoral (April 2016) (Political Finance Law) (printed source)  |                       | 4, 5, 6, 9, 10, 11, 15, 16, 17, 18, 26, 27, 28, 31, 34, 39 |

#### All answers for Chile

##### Colombia

| Attribution  | Type           | Used in Question  |
|--|----------------|---|
| Constitución Política de Colombia (2009) (Constitution)  | Printed source | 1, 2, 15, 20, 21, 23, 26, 30, 33                                |
| Ley 130 de 1994. Estatuto Básico de los Partidos y Movimientos Políticos (2011) (Political Parties' Law) | Printed source | 3, 4, 7, 12, 21, 22, 24, 25, 26, 33, 34, 36, 37, 38, 39, 41, 43 |

|   |                |   |
|---|----------------|---|
| Ley 1475 de 2011, por la cual se adoptan reglas de organización y funcionamiento de los partidos y movimientos políticos, de los procesos electorales y se dictan otras disposiciones (Political Parties' Organization Law) | Printed source | 1, 2, 5, 6, 9, 10, 11, 12, 13, 15, 16, 17, 18, 20, 21, 22, 23, 25, 27, 28, 30, 31, 32, 33, 34, 35, 36, 37, 40, 42, 43 |
| Código Penal Colombiano, Ley 1142 de 2007 (Penal Code)  | Printed source | 29  |
| Resolution 521 from 2009 of the EMB for the 2010 congressional elections  | Printed source | 34  |
| Gutiérrez, Pablo & Zovatto, Daniel (eds) (2011) Financiamiento de los partidos políticos en América Latina, IDEA/OAS/UNAM, Mexico   | Printed source | 3, 4, 7, 8  |
| C1153-2005 (Sentencia de la Corte Constitucional)   |                | 11  |

#### All answers for Colombia

#### Comoros

| Attribution  | Type | Used in Question |
|--|------|------------------|
| Election Code for Constitutional Referendum, 2001  |      | 29               |
| Comoros Web (2010) Comores : Quand les medias ne respectent pas la loi électorale. Available at <a href="http://www.lexpress.mu/story/19384-comores-quand-les-medias-ne-respectent-pas-la-loi-electorale.html">http://www.lexpress.mu/story/19384-comores-quand-les-medias-ne-respectent-pas-la-loi-electorale.html</a> . Published 23 December 2010, Accessed 12 Oct 2011 |      | 25, 30           |
| Mission francophone (2006) Rapport de la Mission francophone d'observation des élections primaires et du scrutin présidentiel des 16 AVRIL et 14 MAI 2006 aux Comores  |      | 19               |

#### All answers for Comoros

#### Congo, Democratic Republic of

| Attribution  | Type           | Used in Question                                |
|--|----------------|---|
| Election law, 2006   | Printed source | 5, 11, 24, 25, 29, 30, 43                       |
| Loi No.04/002 du 15 mars 2004 portant Organisation et Fonctionnement des Partis Politiques | Printed source | 1, 7, 9, 19, 23, 24, 30, 35, 39, 40, 41, 42, 43 |
| Decret-loi No. 194 Relatif aux Partis et Regroupements Politiques, 1999                    | Printed source | 1, 19, 20, 21                                   |
| Loi No. 21-2006 du 21 aout sur les Partis Politiques                                       | Printed source | 3   |

#### All answers for Congo, Democratic Republic of

#### Costa Rica

| Attribution   | Type           | Used in Question  |
|---|----------------|---|
| Código Electoral, Ley No. 8765, August 2009 (Electoral Law)   | Printed source | 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 15, 17, 19, 21, 22, 23, 25, 28, 29, 30, 31, 33, 35, 36, 37, 38, 39, 40, 41, 42 |
| Reglamento sobre el financiamiento de los partidos políticos, Decreto No. 17-2009, October 2009 (Political Parties Financing Law)             | Printed source | 9, 38, 40, 41   |
| Constitución de la República de Costa Rica (July 2003) (Constitution)   | Printed source | 12, 20  |
| Expert input provided by Ronald Chacón Badilla, Head of the Political Parties' Financing Department, Supreme Electoral Tribunal, October 2011 | Expert         | 23, 25, 26, 31, 33  |
| Código Electoral, Ley no. 8765, August 2009 (Electoral law)   |                | 25  |
| CRINIS. 2007. Money in Politics- Everyone's concern.  |                | 13, 14  |

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|--|--------|
| Money, Politics and Transparency. 2016. Available at:<br><a href="https://data.money politicstransparency.org/countries/CR/">https://data.money politicstransparency.org/countries/CR/</a> | 11, 43 |
| International IDEA (2014) "Funding of Political Parties and Election Campaigns. A Handbook on Political Finance".  | 28     |

#### All answers for Costa Rica

#### Côte d'Ivoire

| Attribution   | Type           | Used in Question  |
|---|----------------|---|
| Loi No. 2000-514 du 1er aout 2000 portant Code Electoral  | Printed source | 25, 30  |
| Loi No. 2004-494 du 10 septembre 2004 relative au Financement sur Fonds Publics des Partis et Groupements Politiques et des Candidats a l'Election Presidentielle | Printed source | 1, 2, 3, 5, 9, 11, 19, 20, 21, 22, 26, 35, 38, 39, 40, 41, 42, 43 |
| Code de bonne conduite des partis politiques, des regroupements, des forces politiques et des candidats aux elections en Cote d'Ivoire.                           | Printed source | 23, 24, 29, 30  |

#### All answers for Côte d'Ivoire

#### Croatia

| Attribution  | Type           | Used in Question  |
|--|----------------|---|
| Act on Election of Representatives to the Croatian Parliament, 2003  | Printed source | 20, 21, 23, 24, 25  |
| GRECO (2009) Evaluation Report on Croatia, Transparency of Party Funding (Theme II) , GRECO  | Printed source | 15, 26, 30, 31, 37, 40, 43  |
| Political Activity and Electoral Campaign Financing Act, 2011  | Printed source | 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 17, 18, 20, 21, 22, 26, 27, 28, 30, 31, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43 |
| Criminal Code, No 110/1997   | Printed source | 29  |
| The Act on Gender Equality NN 82/08, THE CROATIAN PARLIAMENT 2663  |                | 43  |
| Money, Politics and Transparency. 2016. Available at:<br><a href="https://data.money politicstransparency.org/countries/HR/">https://data.money politicstransparency.org/countries/HR/</a> |                | 11  |

#### All answers for Croatia

#### Cyprus

| Attribution   | Type           | Used in Question   |
|---|----------------|--|
| Constitution of the Republic of Cyprus  | Printed source | 42   |
| Law on Political Parties of 2011 (Political Party Law)  | Printed source | 7, 29, 36, 40  |
| GRECO (2011) Evaluation Report on Cyprus on Transparency of Party Funding (Theme II) , GRECO  | Printed source | 2, 4, 6, 8, 10, 17, 22, 23, 24, 25, 29, 31, 33, 34, 37, 40, 43 |
| OSCE/ODIHR (2011) Republic of Cyprus, Parliamentary Elections, 22 May 2011. OSCE/ODIHR Needs Assessment Mission Report, OSCE/ODIHR, Warsaw , OSCE/ODIHR | Printed source | 10, 24, 27, 28, 30   |
| Political Party Law, as amended December 2015   |                | 3, 5, 9, 11, 12, 14, 15, 19, 20, 21, 26, 35, 36, 38, 41, 43    |
| OSCE/ODIHR Needs Assessment Mission Report, March 2016  |                | 9, 13, 14, 19, 20, 21, 39                                      |
| Law on Political Parties, as amended in 2015 (Political Party Law)  |                | 1  |

#### All answers for Cyprus

## Czech Republic

| Attribution   | Type              | Used in Question  |
|---|-------------------|---|
| Act 247 on Elections to the Parliament of the Czech Republic, 1995  | Printed source    | 25, 26, 28  |
| Act 424/1991 on Association in Political Parties and Political Movements, 1991  | Printed source    | 9, 11, 28, 38, 39, 40   |
| GRECO (2011) Evaluation Report on the Czech Republic on Transparency of Party Funding (Theme II), GRECO   | Printed source    | 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 12, 13, 14, 15, 17, 20, 21, 22, 23, 24, 26, 27, 28, 31, 36, 37, 41, 42, 43 |
| Romea (2011), Penalty for vote-buying in Czech elections could be up to three years in prison. Available at <a href="http://www.romea.cz/english/index.php?id=detail&amp;detail=2007_2118">http://www.romea.cz/english/index.php?id=detail&amp;detail=2007_2118</a> . Published 29/01/2011, Accessed 16/05/2011 | Electronic source | 29  |
| CZ Presidential elections, "Electoral Law", available at <a href="http://czechpresidentialelections.com/the-political-context/electoral-law/">http://czechpresidentialelections.com/the-political-context/electoral-law/</a>  |                   | 33, 34  |
| Act of Law 424/1991 Coll., on association in political parties and political movements  |                   | 35  |

### All answers for Czech Republic

## Denmark

| Attribution  | Type           | Used in Question   |
|--|----------------|--|
| GRECO (2009) Evaluation Report on Denmark on Transparency of Party Funding.(Theme II), GRECO | Printed source | 1, 2, 3, 5, 6, 7, 8, 9, 10, 11, 12, 13, 15, 17, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 31, 35, 36, 37, 38, 39, 40, 41, 42, 43 |
| Straffeloven, 1930   | Printed source | 29   |
| Partiloven/LBK nr 1123 af 24/10/2006   |                | 7, 8, 9, 10, 35, 38, 43  |
| LBK nr 1291 af 08/12/2006  |                | 19   |

### All answers for Denmark

## Djibouti

| Attribution  | Type           | Used in Question |
|--|----------------|------------------|
| Organization Law 11/24/1981 Electing National Association Members  | Printed source | 25               |
| The International Republican Institute & International Foundation for Electoral System (2005) Djibouti, 2005 Pre-Election Assessment Report, IRI/IFES. | Printed source | 19, 20           |

### All answers for Djibouti

## Dominica

| Attribution  | Type           | Used in Question   |
|--|----------------|--|
| The Commonwealth of Dominica Consitution Order, 1978   | Printed source | 42   |
| House of Assembly (Elections) Act, No. 14, 1951  | Printed source | 1, 2, 3, 5, 6, 7, 8, 9, 10, 11, 12, 15, 23, 25, 28, 29, 31, 33, 35, 36, 37, 42, 43 |
| Organization of American States (2009) Final Report of the OAS Electoral Observation Mission to the General Elections in the Commonwealth of Dominica, December 18 2009, OAS | Printed source | 19, 23, 25, 26, 30, 31, 33, 35, 36, 37   |

|   |                |                |
|---|----------------|----------------|
| Public Service Act, Act 27, 1991  | Printed source | 11, 30         |
| Ryan, Selwyn, Disclosure and Enforcement of Political Party and Campaign Financing in CARICOM States in Griner, Steven & Zovatto, Daniel (ed. by) (2005), From Grassroots to the Airwaves: Paying for Political Parties and Campaigns in The Caribbean, The Organization of American States (OAS) and International IDEA, Washington D.C , OAS/IDEA | Printed source | 28, 31, 33, 35 |

#### All answers for Dominica

#### Dominican Republic

| Attribution  | Type           | Used in Question  |
|--|----------------|---|
| Ley Electoral No. 275-97 y sus modificaciones, República Dominicana (Electoral Law)  | Electoral Act  | 1, 2, 3, 11, 12, 19, 20, 21, 23, 24, 29, 30, 35, 36, 40, 42 |
| Código Penal de la República Dominicana, 1998 (Criminal Code)  | Printed source | 29  |
| Cueato, Francisco, Financiación de los Partidos Políticos en la República Dominicana, in Gutiérrez, Pablo & Zovatto, Daniel (eds) (2011) Financiamentos de los partidos políticos en América Latina, IDEA/OAS/UNAM, Mexico | Printed source | 5, 9, 15, 22, 27, 28, 41                                    |
| Expert input provided by Mario Núñez, Subdirector Nacional de Elecciones, Junta Central Electoral, October 2011  | Expert         | 4, 6, 7, 8, 10, 13, 17, 25, 26, 31, 33, 37, 38, 39          |
| Gutiérrez, Pablo & Zovatto, Daniel (eds) (2011) Financiamiento de los partidos políticos en América Latina, IDEA/OAS/UNAM, Mexico  |                | 43  |
| Cost of Democracy: Essays on Political Finance in Latin America. International IDEA. 2016.   |                | 20  |

#### All answers for Dominican Republic

#### Ecuador

| Attribution   | Type                  | Used in Question  |
|---|-----------------------|---|
| Codificación de la ley de partidos políticos, 2000  | Political Parties Act | 30  |
| Ley orgánica electoral y de organizaciones políticas de la República del Ecuador, Código de la Democracia (April 2009) (Electoral law)  | Printed source        | 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 20, 21, 22, 23, 24, 25, 26, 27, 29, 30, 31, 32, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43 |
| Constitución de la República del Ecuador (2010) (Constitution)  | Printed source        | 23, 24, 25  |
| Reglamento para la asignación del Fondo Partidario Permanente a favor de las organizaciones políticas (July 2011) (Financing Regulation)  | Printed source        | 21, 35  |
| Expert input provided by Fabricio Córdor, Director de Fiscalización del Financiamiento Político del Consejo, Nacional Electoral de Ecuador  | Expert                | 3, 28   |
| Gutiérrez, Pablo & Zovatto, Daniel (eds) (2011) Financiamiento de los partidos políticos en América Latina, IDEA/OAS/UNAM, Mexico   |                       | 27, 28, 43  |
| INE & UNDP. 2014. Electoral Studies in Compared International Perspective: Election Campaign Regulation in 18 Latin American Countries.   |                       | 33  |
| Money, Politics and Transparency. 2016. Available at: <a href="https://data.moneyandpoliticstransparency.org/countries/EC/">https://data.moneyandpoliticstransparency.org/countries/EC/</a> |                       | 19  |

#### All answers for Ecuador

#### Egypt

| Attribution  | Type                       | Used in Question                        |
|--|----------------------------|---|
| Law 38/1972, Concerning the People's Assembly, 1972  | Parliamentary Election Act | 2, 8, 29                                |
| Law 174/2005, Regulating the Presidential Elections, 2005  | Presidential Election Act  | 2, 4, 6, 11, 17, 18, 30, 36, 37, 39, 41 |
| Law 40/1977, Political Party Law, 1977   |                            | 1, 3, 5, 7, 11, 26, 35, 41, 43          |
| Ammar, Dima (2009) Public Funding of Political Parties: The Case of Egypt in Public Funding Solutions for Political Parties in Muslim-Majority Societies, IFES, IFES | Other                      | 20, 21                                  |
| Democracy Reporting International (2011) Report Comprehensive Assessment of Egypt's Electoral Framework 11 July 2011.  |                            | 19                                      |
| Presidential Decision N. 22/2014 on  |                            | 33, 34, 43                              |
| The Political Rights Law, No. 45/2014  |                            | 33                                      |
| IFES, 2015. Elections in Egypt 2015: House of Representatives Elections.   |                            | 12, 25, 33, 34, 40                      |
| Law on the Exercise of Political Rights. 2014.   |                            | 10, 41, 43                              |
| Political Party Finance Regulation: Constitutional reform after the Arab Spring  |                            | 23                                      |

#### All answers for Egypt

#### El Salvador

| Attribution   | Type                  | Used in Question   |
|---|-----------------------|--|
| Código Electoral, Decreto No. 417, May 2009   | Electoral Act         | 19, 20, 21, 25, 30   |
| Constitución de la República de El Salvador, Decreto Constitucional No. 38, May 2009  | Constitution          | 19, 29, 30, 43   |
| Reglamento para la Propaganda Electoral, November 19th 1996 (Campaigning Law)   | Printed source        | 25   |
| Código Penal, Decreto No. 1030, May 2011 (Penal Code)   | Printed source        | 29, 43   |
| Expert input provided by Ing. Jaime E. Juárez, Director of Strengthening of Democratic Institutions, Supreme Electoral Tribunal, October 2011   | Expert                | 1, 2, 3, 4, 5, 6, 7, 8, 10, 12, 13, 15, 17, 22, 27, 28, 31, 33, 35, 36, 37, 38, 39, 41 |
| Artiga-González, Álvaro, La Financiación de los partidos políticos en El Salvador, in Gutiérrez, Pablo & Zovatto, Daniel (eds) (2011) Financiamiento de los partidos políticos en América Latina, IDEA/OAS/UNAM, Mexico | Printed source        | 42, 43   |
| Ley de Impeustos sobre la Renta, Decree 134/1991 (as amended)   | Printed source        | 26   |
| Ley de partidos políticos Decreto nº307   | Political Parties Act | 9, 11, 23, 23  |
| INE & UNDP, 2014. Electoral Studies in Compared International Perspective.  |                       | 11, 24   |
| Cost of Democracy: Essays on Political Finance in Latin America   |                       | 5  |
| Cost of Democracy: Essays on Political Finance in Latin America.  |                       | 6, 42  |

#### All answers for El Salvador

#### Equatorial Guinea

| Attribution  | Type              | Used in Question |
|--|-------------------|------------------|
| Convergencia para la Democracia Social (2011) COMUNICADO: El | Electronic source | 19               |

Gobierno niega financiación a CPDS para la campaña electoral. Available at [http://www.cpds-gq.org/index.php?option=com\\_content&view=article&id=176:comunicado-el-gobierno-niega-financiacion-a-cpds-para-la-campana-electoral&catid=4:noticias&Itemid=6](http://www.cpds-gq.org/index.php?option=com_content&view=article&id=176:comunicado-el-gobierno-niega-financiacion-a-cpds-para-la-campana-electoral&catid=4:noticias&Itemid=6). Published 30/10/2011, Accessed 10/11/2011.

El Pacto Nacional Vinculante (16 de marzo de 1993) Publicamos el documento del "Pacto Vinculante" (16/3/93) y sus dos evaluaciones de 26/4/97 y 26/9/01. Printed source 19, 23, 24, 26, 30

#### All answers for Equatorial Guinea

#### Estonia

| Attribution   | Type           | Used in Question   |
|---|----------------|--|
| Local Government Council Election Act, 2002   | Printed source | 6, 10, 17, 37  |
| Riigikogu Election Act, 2002  | Printed source | 2, 3, 6, 10, 11, 12, 17, 25, 37, 39, 43                        |
| Political Parties Act, 1994   | Printed source | 7, 8   |
| GRECO (2008) Evaluation Report on Estonia, Transparency of Party Funding (Theme II) , GRECO   | Printed source | 4, 9, 13, 15, 17, 19, 20, 21, 26, 31, 33, 42, 43               |
| ERR News (2011) Court Fines Man for Buying Votes in Municipal Election. Available at <a href="http://news.err.ee/Politics/5ffc8ee3-d5cd-4eee-9d15-67e38d7a82d0">http://news.err.ee/Politics/5ffc8ee3-d5cd-4eee-9d15-67e38d7a82d0</a> , Published 1/10/2011, Accessed 29/11/2011 |                | 29   |
| Parliamentary Elections, 1 March 2015 OSCE/ODIHR Election Expert Team Final Report  |                | 35, 40, 41   |
| Political parties Act (1994) As amended in 2013   |                | 1, 3, 5, 9, 11, 12, 19, 20, 21, 35, 36, 38, 39, 40, 41, 42, 43 |
| Riigikogu Election Act, 2015  |                | 30   |

#### All answers for Estonia

#### Ethiopia

| Attribution  | Type           | Used in Question                                       |
|--|----------------|--|
| Election Laws of FDR Ethiopia, 1995  | Printed source | 22   |
| Political Parties Registration Proclamation, 2008  | Printed source | 1, 2, 3, 4, 5, 7, 7, 9, 11, 12, 19, 22, 29, 35, 39     |
| Regulation concerning the Procedure for determining the Apportionment of Government Financial Support to Political Parties (5/2009) , National Electoral Board | Printed source | 19, 20, 21, 23, 24, 26, 27, 28, 35, 36, 40, 41, 42, 43 |
| Electoral Law of Ethiopia, proclamation No. 532/2007   | Printed source | 23, 24, 25, 27, 28, 30                                 |

#### All answers for Ethiopia

#### Fiji

| Attribution   | Type           | Used in Question  |
|---|----------------|---|
| European Union Observation Election Mission (2006), Fiji, Final Report, Legislative Elections 6-13 May 2006 , European Union Election Observation Mission | Printed source | 27, 28  |
| Electoral Act, 1998   | Printed source | 30, 41, 42  |
| Political Parties (Registration, Conduct, Funding and Disclosures) Decree 2013, Decree 4 of 2013  |                | 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 30, 35, 36, 37, 38, 39, 40, 43 |
| Electoral Decree 2014, Decree 11 of 2014  |                | 11, 29  |

#### All answers for Fiji



Finland

| Attribution   | Type           | Used in Question  |
|---|----------------|---|
| GRECO (2007) Evaluation Report on Finland on Transparency of Party Funding (Theme II) , GRECO | Printed source | 23, 24, 26, 31, 43  |
| Partitag, 1969  | Printed source | 1, 3, 5, 7, 9, 12, 13, 14, 19, 20, 21, 22, 30, 31, 35, 36, 38, 39, 40, 41, 43 |
| Lag om kandidaters valfinansiering, 2009  | Printed source | 2, 4, 6, 8, 10, 17, 18, 25, 27, 37, 38, 39, 40, 41                            |
| Strafflag, 1989   | Printed source | 29, 43  |
| Yearly decision of the government   | Printed source | 28  |
| Cost of Democracy: Essays on Political Finance in Latin America. International IDEA. 2016.    |                | 26  |

All answers for Finland

France

| Attribution   | Type              | Used in Question  |
|---|-------------------|---|
| Code Electoral  | Printed source    | 2, 4, 17, 18, 23, 24, 29, 34, 37, 43  |
| GRECO (2009) Evaluation Report on France, Transparency of Party Funding (Theme II) , GRECO  | Printed source    | 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 16, 20, 21, 26, 31, 33, 34, 35, 36, 38, 39, 40, 41, 42, 43 |
| Ohman, Magnus (2011) Global Trends in the Regulation of Political Finance. Paper Presented at the IPSA-ECPR Joint Conference, February 2011.  | Printed source    | 27  |
| Nassmacher, Karl-Heinz (2009) The Funding of Party Competition, Political Finance in 25 Democracies. Nomos, Baden-Baden   | Printed source    | 26  |
| CNCCFP (2011) Le rôle de la commission - partis politiques. Available at <a href="http://www.cnccfp.fr/index.php?art=689">http://www.cnccfp.fr/index.php?art=689</a> , Published N/A, Accessed 17/11/2011 | Electronic source | 41  |
| Loi n° 88-227 du 11 mars 1988 relative à la transparence financière de la vie politique   |                   | 1, 3, 13, 14, 15  |
| Expert Input from Ms Barbara Jouan, Legal Expert at the National Commission for Campaign Accounts and Political Finances  |                   | 11, 22, 28, 30, 38  |
| OSCE/ODIHR Needs Assessment Mission Report, 10-11 May 2012, Republic of France Parliamentary Elections, 10 and 17 June 2012   |                   | 24, 25  |
| GRECO (2013) Third Evaluation Round, Interim Compliance Report on France, Transparency of Party Funding (Theme II)  |                   | 13, 14  |
| Expert Barbara Jouan, National Commission for Campaign Accounts France.   |                   | 15  |
| OSCE/ODIHR Election Assessment Mission Final Report, Republic of France Parliamentary Elections, 10 and 17 June 2012  |                   | 34  |
| Cost of Democracy: Essays on Political Finance in Latin America. International IDEA. 2016   |                   | 26  |
| LOI n° 2013-907 du 11 octobre 2013 relative à la transparence de la vie publique  |                   | 13  |

All answers for France

Gabon

| Attribution   | Type           | Used in Question           |
|---|----------------|----------------------------|
| Loi No. 07/96 du 12 mars 1996, portant Dispositions Communes à toutes les Élections Politiques République Gabonaise | Printed source | 26, 29, 30, 43             |
| Loi No. 24/96 du 6 juin 1996 relative aux Partis Politiques   | Printed source | 1, 3, 5, 7, 20, 21, 35, 40 |
| Loi No. 07/2001 portant Code de la Communication Audiovisuelle, Cinématographique et Ecrite                         | Printed source | 23, 24, 25                 |

#### All answers for Gabon

#### Gambia

| Attribution               | Type           | Used in Question           |
|---------------------------|----------------|----------------------------|
| Elections Decree 78, 1996 | Printed source | 23, 24, 25, 26, 29, 30, 43 |

#### All answers for Gambia

#### Georgia

| Attribution   | Type                  | Used in Question  |
|---|-----------------------|---|
| Election code of Georgia  | Electoral Act         | 42  |
| Organic law of Georgia on political unions of citizens  | Political Parties Act | 31, 32, 35, 40  |
| Election Code of Georgia, 2001  | Printed source        | 2, 4, 6, 8, 10, 15, 16, 17, 18, 26, 39, 41, 43  |
| Organic Law of Georgia on Political Unions of Citizens, 1997 (as of 2012)   | Printed source        | 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 20, 21, 22, 23, 35, 36, 38, 39, 40, 41, 43 |
| GRECO (2011) Evaluation Report on Georgia on Transparency of Party Funding (Theme II) , GRECO   | Printed source        | 42  |
| Criminal Code of Georgia, 1999  | Printed source        | 29  |
| Organic Law of Georgia on Political Unions of Citizens, 1997 (as of 2015)   |                       | 27, 33  |
| Money, Politics and Transparency. 2016. Available at: <a href="https://data.moneyandpoliticstransparency.org/countries/GE/">https://data.moneyandpoliticstransparency.org/countries/GE/</a> |                       | 19  |
| Election Code of Georgia, 27 October 2015   |                       | 19, 20, 21, 22, 23, 24, 25, 29, 30, 36, 37, 38, 40  |

#### All answers for Georgia

#### Germany

| Attribution   | Type           | Used in Question   |
|---|----------------|--|
| Political Parties Act, 2004   | Printed source | 1, 7, 12, 19, 21   |
| GRECO (2009) Evaluation Report on Germany on Transparency of Party Funding (Theme II) , GRECO   | Printed source | 2, 3, 4, 5, 6, 8, 10, 11, 13, 15, 17, 20, 24, 25, 26, 30, 31, 33, 36, 39, 40, 41, 42, 43 |
| Criminal Code, 1998   | Printed source | 29   |
| Expert input provided by Dr Michael Koss, Assistant Professor, University of Potsdam  | Expert         | 24   |
| Nassmacher, Karl-Heinz (2009) The Funding of Party Competition, Political Finance in 25 Democracies. Nomos, Baden-Baden                                       | Printed source | 26   |
| OSCE/ODIHR (2009) Federal Republic of Germany, Elections to the Federal Parliament 27 September 2009, OSCE/ODIHR Needs Assessment Mission Report , OSCE/ODIHR | Printed source | 41   |
| Money, Politics and Transparency. 2016. Available at:   |                | 9, 11, 22, 23, 35, 37, 38  |

**All answers for Germany**

**Ghana**

| Attribution   | Type              | Used in Question                          |
|---|-------------------|---|
| Constitution of the Republic of Ghana, 1992   | Printed source    | 1, 23, 24, 25, 35, 38                     |
| Political Parties Law Act 574, 2000   | Printed source    | 1, 2, 3, 5, 9, 11, 35, 36, 38, 39, 40, 41 |
| PNDCL 284 Representation of the People Law, 1992  | Printed source    | 29  |
| Ghana Center for Democratic Development (2005) Financing Political Parties in Ghana: Policy Guidelines, CDD-Ghana   | Printed source    | 19, 26                                    |
| European Union Election Observation Mission (2009) Ghana, Final Report, Presidential and Parliamentary Elections, 2008  | Printed source    | 23, 24, 26, 31, 37                        |
| MC Modern Ghana (2009) Ghana's 2008 elections: A rainbow coalition. Available at <a href="http://www.modernghana.com/news/197910/50/ghanas-2008-elections-a-rainbow-coalition.html">http://www.modernghana.com/news/197910/50/ghanas-2008-elections-a-rainbow-coalition.html</a> . Published 9 January 2009, Accessed 11 Oct 2011 | Electronic source | 13, 15                                    |
| Money, Politics and Transparency. 2016. Available at: <a href="https://data.moneypoliticaltransparency.org/countries/GH/">https://data.moneypoliticaltransparency.org/countries/GH/</a>   |                   | 43  |

**All answers for Ghana**

**Greece**

| Attribution  | Type           | Used in Question  |
|--|----------------|---|
| GRECO (2010) Evaluation Report on Greece on Transparency of Party Funding, GRECO (Theme II), GRECO   | Printed source | 1, 2, 3, 4, 7, 8, 9, 10, 11, 12, 22, 23, 24, 25, 26, 31, 32, 33, 34, 35, 36, 37, 38, 41, 42, 43 |
| Expert input provided by Maria Archimandritou, Assistant Professor School of Law Aristotle University of Thessaloniki, 31 August 2011  | Expert         | 29  |
| GRECO (June 2015) Third Interim Compliance Report on Greece: "Incriminations (ETS 173 and 191, GPC 2)", "Transparency of Party Funding"  |                | 9, 35, 38, 39, 40, 41   |
| Law 4304/2014, which amends Law 3023/2002 "on Financial Control of political parties and elected representatives to the national and European Parliaments, and other provisions" |                | 1, 2, 3, 4, 5, 6, 12, 13, 14, 15, 17, 18, 19, 20, 21, 22, 23, 24, 25                            |
| Political party finance law 2002, as amended in 2004   |                | 32  |

**All answers for Greece**

**Grenada**

| Attribution   | Type              | Used in Question   |
|---|-------------------|--------------------|
| Electoral law, 1958   | Printed source    | 29                 |
| Organization of American States (2008), Final Report of the Electoral Observation Mission for the General Elections in Grenada July 8 2008, Secretariat for Political Affairs, OAS  | Printed source    | 19, 23, 25, 26, 31 |
| Transparency International (2004) National Integrity Systems, Transparency International Country Study Report, Caribbean Composite Study 2004, Transparency International   | Printed source    | 13, 15, 17, 19     |
| Parliamentary Elections Office, Election Basics. Available at <a href="http://www.caribbeanelections.com/grenada/learning/basics.asp">http://www.caribbeanelections.com/grenada/learning/basics.asp</a> . Published N/A, Accessed 1 December 2011 | Electronic source | 33, 34, 41         |
| Payne, Douglas, Political Financing: Access of Political Parties to the Media in Griner, Steven & Zovatto, Daniel (ed. by) (2005), From Grassroots to the Airwaves: Paying for Political Parties and Campaigns                                    | Printed source    | 23, 25             |

In The Caribbean, The Organization of American States (OAS) and International IDEA, Washington D.C , *OAS/IDEA*

Ryan, Selwyn, Disclosure and Enforcement of Political Party and Campaign Financing in CARICOM States in Griner, Steven & Zovatto, Daniel (ed. by) (2005), From Grassroots to the Airwaves: Paying for Political Parties and Campaigns in The Caribbean, The Organization of American States (OAS) and International IDEA, Washington D.C , *OAS/IDEA*

Printed source 13, 15, 17, 19, 31, 35, 36, 37

**All answers for Grenada**

**Guatemala**

| Attribution  | Type                  | Used in Question   |
|--|-----------------------|--|
| Ley Electoral y de Partidos Políticos, Decreto No. 1-85, January 2007 (Electoral Law)  | Electoral Act         | 2, 4, 7, 8, 11, 12, 13, 14, 15, 16, 17, 20, 21, 22, 27, 28, 30, 31, 32, 33, 37, 41 |
| Reglamento de Control, Fiscalización del Financiamiento Público y Privado, de las Actividades Permanentes y de Campaña Electoral de las Organizaciones Políticas, Acuerdo No. 019-2007 (Political Organizations Financing Law) | Political Parties Act | 5, 6, 11, 35, 36, 38, 39, 40   |
| Reglamento de Control y Fiscalización de las Campañas Publicitarias de las Elecciones Generales, Acuerdo No. 131-2007 (Campaigning Law)  | Election Campaign Act | 12, 23, 25, 41, 42   |
| Expert input provided by Carlos Enrique Girón Girón, Auditor Electoral, Tribunal Supremo Electoral, October 2011   | Expert                | 3, 4, 7, 8, 12, 22, 25, 27, 28, 29, 33, 37, 41, 42                                 |
| IFES (2011) Elections in Guatemala, November 6. Run-off Presidential Election, Frequently Asked Questions. IFES, Washington  | Printed source        | 32, 39   |
| Gutiérrez, Pablo & Zovatto, Daniel (eds) (2011) Financiamiento de los partidos políticos en América Latina, IDEA/OAS/UNAM, Mexico  | Printed source        | 5, 24  |
| Ley Electoral y de Partidos Políticos 2011   |                       | 1, 10, 19, 26  |
| Ley Electoral y de Partidos Políticos, 2011  |                       | 35, 43   |
| Cost of Democracy: Essays on Political Finance in Latin America. International IDEA. 2016.   |                       | 9, 23  |

**All answers for Guatemala**

**Guinea**

| Attribution  | Type           | Used in Question   |
|--|----------------|--|
| Loi Organique L/91/002 du 23 decembre 1991 portant Charte des Partis Politiques  | Printed source | 1, 9, 13, 14, 19, 23, 24, 35, 39, 41, 43                       |
| Loi portant Subventions Publiques des Activites des Partis Politiques  | Printed source | 19, 20, 21, 22, 26, 27   |
| Loi organique N0 91/012/CTRN portant Code Electoral, Modifie par Loi organique L/2010/.../CNT du 22 avril 2010                 | Printed source | 23, 24, 25, 26, 29, 30, 31, 32, 33, 34, 36, 37, 38, 40, 41, 43 |
| Union Europeenne Mission D'Observation Electorale (2011) Republique de Guinée, Rapport Final, Elections présidentielle de 2010 | Printed source | 19, 28   |

**All answers for Guinea**

**Guinea-Bissau**

| Attribution  | Type           | Used in Question               |
|--|----------------|--------------------------------|
| European Union Election Observation Mission (2009) Guinea Bissau, Final Report, Early Presidential | Printed source | 2, 4, 6, 8, 11, 12, 19, 31, 33 |

**Elections 28 June - 29 July 2009 , European Union  
Election Observation Mission**

|  |                |   |
|--|----------------|---|
| Lei quadro dos Partidos Políticos, Lei No. 2/91, 1991  | Printed source | 1, 3, 5, 7, 11, 12, 35, 38, 42                        |
| Lei Eleitoral Para Presidente da República e Assembleia Nacional Popular, Lei No. 3/98, 1998 | Printed source | 2, 23, 24, 25, 26, 29, 30, 36, 37, 38, 39, 40, 41, 43 |

**All answers for Guinea-Bissau**

**Guyana**

| Attribution   | Type           | Used in Question                   |
|---|----------------|------------------------------------|
| Representation of the People Act, Chapter 1:03  | Printed source | 28, 29, 33, 34, 37, 38, 39, 40, 43 |
| Payne, Douglas, Political Financing: Access of Political Parties to the Media in Griner, Steven & Zovatto, Daniel (ed. by) (2005), From Grassroots to the Airwaves: Paying for Political Parties and Campaigns in The Caribbean, The Organization of American States (OAS) and International IDEA, Washington D.C , OAS/IDEA                        | Printed source | 23, 25                             |
| Ryan, Selwyn, Disclosure and Enforcement of Political Party and Campaign Financing in CARICOM States in Griner, Steven & Zovatto, Daniel (ed. by) (2005), From Grassroots to the Airwaves: Paying for Political Parties and Campaigns in The Caribbean, The Organization of American States (OAS) and International IDEA, Washington D.C , OAS/IDEA | Printed source | 13, 15, 17, 19, 19, 36             |

**All answers for Guyana**

**Haiti**

| Attribution  | Type           | Used in Question  |
|--|----------------|---|
| Loi Electorale, 1999   | Printed source | 40  |
| Loi Electorale, 2008   | Electoral Act  | 9, 10, 12, 15, 16, 17, 18, 19, 20, 21, 22, 23, 25, 26, 27, 30, 36, 37, 39, 41, 42, 43 |
| Ryan, Selwyn, Disclosure and Enforcement of Political Party and Campaign Financing in CARICOM States in Griner, Steven & Zovatto, Daniel (ed. by) (2005), From Grassroots to the Airwaves: Paying for Political Parties and Campaigns in The Caribbean, The Organization of American States (OAS) and International IDEA, Washington D.C |                | 31, 33  |

**All answers for Haiti**

**Honduras**

| Attribution  | Type           | Used in Question  |
|--|----------------|---|
| Constitución Política de 1982, Decreto No. 131, 2009 (Constitution)  | Printed source | 1, 2  |
| Ley electoral y de las organizaciones políticas, Decreto 44-2004, 2009 (Electoral Law)   | Printed source | 1, 2, 3, 4, 5, 6, 9, 10, 12, 15, 17, 19, 20, 21, 22, 23, 25, 26, 28, 29, 30, 31, 33, 35, 36, 37, 38, 39, 40, 41, 42, 43 |
| Gutiérrez, Pablo & Zovatto, Daniel (eds) (2011) Financiamiento de los partidos políticos en América Latina, IDEA/OAS/UNAM, Mexico  | Printed source | 13, 15  |
| Expert input provided by Oscar Darío Valladares R., Director Administrativo y Financiero, Tribunal Supremo Electoral, October 2011 | Expert         | 7, 8, 13, 15, 17, 22, 23, 25, 27, 28, 31, 33, 39, 41, 42  |
| INE & UNDP. 2014. Electoral Studies in Compared International Perspective.   |                | 11  |

**All answers for Honduras**

**Hungary**

| Attribution   | Type           | Used in Question                                    |
|---|----------------|---|
| Act C of 1997 on Electoral Procedure, 1997  | Printed source | 22, 23, 24, 25, 30                                  |
| Act XXXIII of 1989 on the Operation and Financial Management of Political Parties   | Printed source | 5, 7, 9, 12, 13, 15, 20, 21, 35, 39, 40, 41, 42, 43 |
| GRECO (2010) Evaluation Report on Hungary on Transparency of party funding (Theme II)   | Printed source | 2, 4, 6, 8, 10, 11, 13, 15, 17, 20, 26              |
| Criminal Code of Austria, 1978 (as amended)   | Printed source | 29  |
| Act XXXIII of 1989 on the Operation and Financial Management of Political Parties (amended in 2014)   |                | 3   |
| Money, Politics and Transparency. 2016. Available at: <a href="http://data.moneypoliticaltransparency.org/countries/HU/">http://data.moneypoliticaltransparency.org/countries/HU/</a> |                | 1, 20, 21, 31, 32, 33, 34, 36, 37, 38, 40, 41, 43   |
| Act LXXXVII of 2013 on the Transparency of Campaign costs related to the Election of the Members of the National Assembly, 2013   |                | 19, 20, 21, 22, 31, 32, 36, 37, 38, 40              |

**All answers for Hungary**

**Iceland**

| Attribution   | Type           | Used in Question  |
|---|----------------|---|
| Act on Parliamentary Elections to the Althing, No. 24/2000, 2000  | Printed source | 29  |
| GRECO (2008) Evaluation Report on Iceland, Transparency of Party Funding (Theme II), GRECO  | Printed source | 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 26, 27, 28, 31, 32, 33, 34, 35, 36, 40, 41, 42, 43 |
| Kristján Guy Burgess & Ágúst Þór Árnason, Country Reports on Political Corruption and Party Financing, Iceland.   | Printed source | 3, 7, 12, 30  |
| Government of Iceland Prime Minister's Office (2010) Progress Report on RC-III Iceland, The Implementation of the Recommendations of GRECO on Iceland of party funding (theme II) | Printed source | 14, 18, 33, 34, 38, 39  |
| Lög um breytingu á lögum nr. 162/2006, um fjármál stjórnmálasamtaka og frambjóðenda og um upplýsingaskyldu þeirra (Law 119/2010)  | Printed source | 18, 43  |
| Lög um fjármál stjórnmálasamtaka og frambjóðenda og um upplýsingaskyldu þeirra (Law 162/2006)   | Printed source | 37  |

**All answers for Iceland**

**India**

| Attribution   | Type           | Used in Question  |
|---|----------------|---|
| Constitution of India, 1954   | Printed source | 28  |
| Representation of the People Act, 1951  | Printed source | 1, 3, 7, 8, 9, 10, 12, 17, 23, 24, 25, 26, 28, 29, 33, 34, 35, 36, 37, 38, 39, 40, 42, 43 |
| Companies Act, 1956   | Printed source | 3, 4, 5, 6, 11  |
| Election Commission of India (2007). Model Code of Conduct for the Guidance of Political Parties and Candidates. Election Commission of India, Nirvachan Sadan, New Dehli | Printed source | 30  |
| Narayan, Dr. Jayaprakash (2011). Electoral and Political Party Reforms in India. Mont Pelerin Society (MPS) Asia Regional Meeting   | Printed source | 19  |

|   |                |                |
|---|----------------|----------------|
| 2011, Delhi   |                |                |
| Election Commission of India (2009). Handbook for Candidates (At Elections where Electronic Voting Machines are used). Election Commission of India, New Delhi  | Printed source | 38, 43         |
| The Foreign Contribution (Regulation) Act, 2010   | Printed source | 1, 2           |
| Trade Unions Act, 1926  | Printed source | 8              |
| LiveMint.com (2012) Spending limits take the buzz out of poll campaigns. Available at <a href="http://www.livemint.com/2012/01/29225058/Spending-limits-take-the-buzz.html">http://www.livemint.com/2012/01/29225058/Spending-limits-take-the-buzz.html</a> . Published 29 January 2012, Accessed 16 August 2012. |                | 31             |
| Indian Election Commission (2011) Instructions on Elections Expenditure Monitoring (September - 2011).  |                | 41, 42         |
| Money, Politics and Transparency. 2016. Available at: <a href="https://data.moneypoliticaltransparency.org/countries/IN/">https://data.moneypoliticaltransparency.org/countries/IN/</a>   |                | 13, 14, 15, 16 |
| Financing Democracy. OECD. 2016.  |                | 38             |

#### All answers for India

#### Indonesia

| Attribution   | Type           | Used in Question                                |
|---|----------------|---|
| Election Law  | Printed source | 29, 40, 42                                      |
| Law No. 2 on Political Party, 2011  | Printed source | 3, 5, 7, 12, 13, 19, 20, 21, 22, 30, 35, 39, 40 |
| Law No. 10 on General Election for Members of People's Representative Council, Regional Representative Council, And Regional People's Representative Council, 2008.                     | Printed source | 1, 2, 4, 8, 9, 10, 15, 30, 36, 37, 38, 39       |
| Law No. 42 on the Election of President and Vice President, 2008  | Printed source | 1, 2, 4, 6, 8, 11, 26, 30, 37                   |
| Strategic Review, 2013. "Political Party Spending in Indonesia is a Recipe for Corruption"  |                | 31, 33  |
| Money, Politics and Transparency. 2016. Available at: <a href="https://data.moneypoliticaltransparency.org/countries/ID/">https://data.moneypoliticaltransparency.org/countries/ID/</a> |                | 14, 16, 17, 18, 19, 23, 41, 43                  |

#### All answers for Indonesia

#### Iran, Islamic Republic of

| Attribution  | Type           | Used in Question  |
|--|----------------|---|
| Law on Activities of Political and Trade Parties, Associations and Societies, 1981   | Printed source | 1, 3, 5, 7, 9, 12, 13, 15, 31, 32, 35, 36, 38, 39, 40, 41, 43 |
| Elections Act of Islamic Consultative Assembly (1999)  | Printed source | 11, 15, 23, 29, 30, 43  |
| Alem, Yasmin (2011). Duality by Design: the Iranian Electoral System. International Foundation for Electoral System (IFES), Washington             | Printed source | 23, 25, 28, 42  |
| Asayesh, Hossein, Ab Hali, Adlina & Shojae, Seyedeh Nosrat (2010) Obstacles of Political Party Development in Iran. Report and Opinion, 2010;2(10) | Printed source | 19, 23  |

#### All answers for Iran, Islamic Republic of

#### Iraq

| Attribution  | Type | Used in Question |
|--|------|------------------|
| Independent High Electoral Commission, Election campaign regulations |      | 2, 30            |
| Order 97 of the Coalition Provision Authority                        |      | 12               |
| Election Law   |      | 29, 30           |

**All answers for Iraq**

**Ireland**

| Attribution   | Type                  | Used in Question   |
|---|-----------------------|--|
| Electoral Act No. 25, 1997  | Printed source        | 3, 4, 7, 8, 9, 10, 21, 27, 43  |
| Local elections (disc of dona and exp) Act 7, 1999  | Political Finance Act | 4  |
| GRECO (2009) Evaluation Report on Ireland, Transparency of Party Funding (Theme II) , GRECO   | Printed source        | 1, 2, 3, 4, 5, 6, 7, 8, 12, 17, 19, 20, 22, 23, 24, 25, 26, 28, 30, 31, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43 |
| Standards in Public Office Commission Homepage  | Electronic source     | 38   |
| European Parliament Elections Act, 1997   | Printed source        | 29   |
| Local Elections Regulations, 1995   | Printed source        | 29   |
| Bruce E. Cain, Russell J. Dalton, Susan E. Scarrow (2003) Democracy transformed?: expanding political opportunities in advanced industrial democracies, Oxford University Press, Oxford | Printed source        | 24   |
| Standards in Public Office Commission Annual report 2010  | Printed source        | 19   |
| Standards in Public Office Commission Annual report 2003  | Printed source        | 30   |
| Expert input from Dr Elaine Byrne, Lecturer on Irish Politics, Trinity College Dublin   | Expert                | 11   |
| Electoral (Amendment) (Political Funding) Act 2012  |                       | 7, 8, 9, 10, 13, 14, 15, 18  |

**All answers for Ireland**

**Israel**

| Attribution  | Type              | Used in Question   |
|--|-------------------|--|
| Political Parties Financing Law 5733-1973, 1973  | Printed source    | 1, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 20, 21, 31, 35, 36, 39, 40 |
| Parties, Lists, Parliamentary Groups and Movements. Available at <a href="http://www.knesset.gov.il/elections17/eng/about/PartiesEtc_eng.htm">http://www.knesset.gov.il/elections17/eng/about/PartiesEtc_eng.htm</a> . Published N/A, Accessed 20 August 2011      | Electronic source | 4, 6, 8, 10, 11  |
| Basic Law, the Knesset, 1958   | Printed source    | 1, 12  |
| Levush, Ruth (2009) Campaign Finance: Israel. Library of Congress (available at <a href="http://www.loc.gov/law/help/campaign-finance/israel.php">http://www.loc.gov/law/help/campaign-finance/israel.php</a> 2011-08-21)  | Electronic source | 2, 13, 14, 15, 16, 17, 18, 21, 23, 24, 25, 26, 32                  |
| Hofnung, Menachem (2005) Israel, in Thomas, Grant D. (ed) Lobbying, Government Relations and Campaign Finance Worldwide: Navigating the Laws, Regulations and Practices of National Regimes. New York, Oceana Publications (a division of Oxford University Press) | Printed source    | 26, 30, 38, 42   |
| Hofnung, Menachem (2008) Unaccounted Competition: The Finance of Intra-Party Elections. Party Politics, 2008:14:726, Sage Publications   | Printed source    | 33, 34, 37, 38, 41, 43   |
| Nassmacher, Karl-Heinz (2009) The Funding of Party Competition, Political Finance in 25 Democracies. Nomos, Baden-Baden  | Printed source    | 26   |
| Law: Elections for the Knesset (1969)  |                   | 29   |
| Money, Politics & Transparency. 2016. Available at: <a href="http://data.moneypoliticaltransparency.org/countries/IL/">http://data.moneypoliticaltransparency.org/countries/IL/</a>  |                   | 43   |

**All answers for Israel**

**Italy**

| Attribution | Type | Used in Question |
|-------------|------|------------------|
|             |      |                  |



|  |                   |   |
|--|-------------------|---|
| Nassmacher, Karl-Heinz (2009) <i>The Funding of Party Competition, Political Finance in 25 Democracies. Nomos, Baden-Baden</i>   | Printed source    | 26  |
| OSCE/ODIHR (2008) <i>Italy Parliamentary Elections 13 and 14 April 2008, OSCE/ODIHR Election Assessment Mission Report, OSCE/ODIHR</i>   | Printed source    | 36, 37, 43  |
| Global Integrity Report (2010) <i>Scorecard: Italy 2010. Available at <a href="http://www.globalintegrity.org/report/Italy/2010/scorecard">http://www.globalintegrity.org/report/Italy/2010/scorecard</a></i>  | Electronic source | 4, 5, 11, 17, 35, 42  |
| Legge 22 Febbraio 2000, No. 28, <i>Disposizioni per la Parità di Accesso ai Mezzi di Informazione durante le Campagne Elettorali e Referendarie e per la Comunicazione Politica</i>  | Printed source    | 23, 24, 25, 30  |
| Bertelsmann Stiftung (2011) <i>Italy Report, Sustainable Governance Indicators 2011</i>  | Printed source    | 24  |
| Legge 18 novembre 1981, n. 659 <i>Modifiche ed integrazioni alla legge 2 maggio 1974, n. 195, sul contributo dello Stato al finanziamento dei partiti politici</i>   |                   | 1, 2  |
| Legge 2 maggio 1974, n. 195 <i>"Contributo dello Stato al finanziamento dei partiti politici"</i>  |                   | 3, 5, 6   |
| Legge 3 giugno 1999, n. 157 <i>"Nuove norme in materia di rimborso delle spese per consultazioni elettorali e referendarie e abrogazione delle disposizioni concernenti la contribuzione volontaria ai movimenti e partiti politici"</i>                 |                   | 26  |
| Codice Penale  |                   | 29  |
| Legge 10 dicembre 1993, n. 515 - <i>Disciplina delle campagne elettorali per l'elezione alla Camera dei deputati e al Senato della Repubblica.</i>   |                   | 2   |
| GRECO (2012) <i>Evaluation Report on Italy, Transparency of Political Party Funding (Theme II). Greco Third Evaluation Report, Strasbourg 23 March 2012</i>  |                   | 1, 3, 5, 7, 8, 12, 17, 23, 24                                 |
| LEGGI 6 luglio 2012, n. 96   |                   | 33, 39  |
| Money, Politics & Transparency: Italy. 2016. Available at: <a href="http://data.moneypoliticaltransparency.org/countries/IT/">http://data.moneypoliticaltransparency.org/countries/IT/</a>   |                   | 9, 10, 13, 14, 19, 20, 21, 22, 31, 32, 33, 34, 38, 40, 41, 43 |
| Cost of Democracy: <i>Essays on Political Finance in Latin America. International IDEA, 2016.</i>  |                   | 26  |
| Law n. 13/2014, <i>"abolizione del finanziamento pubblico diretto, disposizioni per la trasparenza e la democraticità dei partiti e la disciplina della contribuzione volontaria e della contribuzione indiretta in loro favore" (Party finance law)</i> |                   | 3, 4, 9, 10, 14, 19, 26, 28, 35, 38, 41, 43                   |

#### All answers for Italy

#### Jamaica

| Attribution   | Type           | Used in Question           |
|---|----------------|----------------------------|
| Representation of the People Act, 1965  | Printed source | 29, 33, 34, 37, 38, 40, 43 |
| Electoral Commission of Jamaica (2010) <i>Report to Parliament, Political Party Registration and Financing, July 2010,</i>  | Printed source | 1, 3, 5, 7, 9, 13, 15, 19  |
| Citizens Action for Free & Fair Elections (2010) <i>Jamaica: Supporting National Election Observation with CAFFE, Final report</i>  | Printed source | 1, 3, 5, 7, 9, 35, 36      |
| Organization of American States (2008) <i>Final Report of the Electoral Observation Mission in Jamaica, General Election 2007</i>   | Printed source | 35, 36                     |
| Payne, Douglas, <i>Political Financing: Access of Political Parties to the Media in Griner, Steven &amp; Zovatto, Daniel (ed. by) (2005), From Grassroots to the Airwaves: Paying for Political Parties and Campaigns in The Caribbean, The Organization of American States</i> | Printed source | 23, 25                     |

|  |                |                            |
|--|----------------|----------------------------|
| (OAS) and International IDEA, Washington D.C ,<br><i>OAS/IDEA</i>  |                |                            |
| Ryan, Selwyn, Disclosure and Enforcement of Political Party and Campaign Financing in CARICOM States in Griner, Steven & Zovatto, Daniel (ed. by) (2005), From Grassroots to the Airwaves: Paying for Political Parties and Campaigns in The Caribbean, The Organization of American States (OAS) and International IDEA, Washington D.C , <i>OAS/IDEA</i> | Printed source | 17                         |
| Zainulbhai, Hani (2011) In Jamaica, citizens stand against political corruption, in IFES Nigeria Political Finance Newsletter, Vol 2, No 11.   | Printed source | 31                         |
| Expert input provided by Pauline Welsh, Electoral Commission of Jamaica, December 2011   |                | 2, 4, 6, 8, 10, 11, 28, 42 |

#### All answers for Jamaica

#### Japan

| Attribution   | Type              | Used in Question  |
|---|-------------------|---|
| Constitution of Japan, 1946   | Printed source    | 30  |
| Global Integrity Report (2008) Scorecard: Japan 2008. Available at <a href="http://report.globalintegrity.org/Japan/2008/scorecard">http://report.globalintegrity.org/Japan/2008/scorecard</a>  | Electronic source | 3, 4, 7, 13, 14, 15, 17, 18, 23, 29, 31, 37, 38, 40, 42, 43 |
| Transparency International (2006) National Integrity Systems, Transparency Country Study Report, Japan 2006 , <i>Transparency International</i>   | Printed source    | 19, 21, 22, 27, 33, 35, 36                                  |
| ACE Project, The Electoral Knowledge Network, Formulas for Allocating Time. Available at <a href="http://aceproject.org/main/english/pc/pce03a.htm">http://aceproject.org/main/english/pc/pce03a.htm</a> . Published N/A, accessed 23 August 2011                   | Electronic source | 24  |
| BBC News Asia-Pacific (2011) Japan PM Naoto Kan admits foreign donations. Available at <a href="http://www.bbc.co.uk/news/world-asia-pacific-12709242">http://www.bbc.co.uk/news/world-asia-pacific-12709242</a> . Published 11 March 2011, accessed 24 August 2011 | Electronic source | 43  |
| Free Choice Foundation (2007) Election System in Japan  | Printed source    | 2, 6, 9, 23, 26, 33, 37, 38, 43                             |
| Political Funds Control Act, 1948 (as amended by Act No. 135 of 2007)   | Printed source    | 1, 2, 3, 4, 5, 7, 8, 9, 12, 13, 14, 17, 18, 35, 39, 41, 43  |
| Public Offices Election Act, 1950 (as amended by Act No. 35 of 2011)  | Printed source    | 5, 23, 24, 25, 26, 29, 34                                   |
| National Public Service Act, 1947 (as amended by Act No.108 of 2007)  | Printed source    | 11  |
| Political Subsidies Act, 1994 (as amended by Act No of 2011)  | Printed source    | 19, 20, 22  |
| Act on Annual Payment, Travel Expenses, Allowances, etc. Payable to Members of the Diet, 1947 (as amended by Act No.80 of 2010)   | Printed source    | 26  |
| Act on Special Measures Concerning Taxation, 1957 (as amended by Act 105 of 2011)   | Printed source    | 26  |
| Broadcast Act, 1950 (as amended by Act No.65 of 2010)   | Printed source    | 30  |
| Order for Enforcement of the Public Office Election Act, 1950 (as amended by Order No.296 of 2011)  | Printed source    | 34  |
| Political Funds Control Act (Act No. 135, December 28, 2007)  |                   | 10  |
| Cost of Democracy: Essays on Political Finance in Latin America. International IDEA. 2016.  |                   | 26  |

#### All answers for Japan

#### Jordan

| Attribution  | Type           | Used in Question                                      |
|--|----------------|---|
| Political Party Law, No. 19, 2007  | Printed source | 23, 24, 27, 38, 39, 42                                |
| Election Law for Parliament, 2010  | Printed source | 10, 16, 17, 29, 30                                    |
| Political Party Contribution System, No. 89, 2008  | Printed source | 19, 20, 21, 28  |
| Political Parties Law 2012   |                | 1, 3, 5, 7, 9, 11, 12, 13, 14, 15, 22, 23, 35, 40, 43 |
| Executive instructions for regulations of election campaign issued according to the provisions of paragraph (F) of article (12) of the Independent Election Commission (ICE) Law number (11) for the year 2012 |                | 2, 12, 29, 30, 37                                     |

#### All answers for Jordan

#### Kazakhstan

| Attribution  | Type           | Used in Question   |
|--|----------------|--|
| Law on Political Parties of the Republic of Kazakhstan, 2002                                       | Printed source | 1, 3, 5, 7, 9, 11, 12, 19, 20, 21, 22, 35, 38, 40, 41, 43                      |
| Constitutional Act of the Republic of Kazakhstan, On Elections in the Republic of Kazakhstan, 1995 | Printed source | 2, 4, 6, 8, 10, 11, 12, 15, 16, 18, 23, 25, 29, 30, 36, 37, 38, 39, 40, 41, 43 |
| Elections Act  |                | 17, 33, 34   |

#### All answers for Kazakhstan

#### Kenya

| Attribution  | Type           | Used in Question   |
|--|----------------|--|
| Political Parties Act, 2011  | Printed source | 1, 3, 7, 9, 13, 14, 19, 20, 21, 22, 26, 27, 30, 35, 38, 39, 40, 41, 43               |
| Elections Act, 2011  | Printed source | 11, 23, 24, 25, 28, 29, 30   |
| The Election Campaign Financing Act, Act 42 of 2013, Date of Assent 24 December 2013 |                | 1, 2, 3, 4, 6, 9, 10, 11, 15, 16, 17, 18, 31, 32, 33, 34, 36, 37, 38, 39, 40, 41, 43 |

#### All answers for Kenya

#### Kiribati

| Attribution   | Type           | Used in Question  |
|---|----------------|---|
| Kiribati Independence Order, 1979   | Printed source | 40, 41, 42  |
| Transparency International (2004) National Integrity Systems, Transparency International Country Study Report, Kiribati 2004, <i>Transparency International</i> | Printed source | 1, 3, 5, 7, 9, 11, 12, 13, 15, 19, 26, 28, 30, 31, 35, 36, 38, 39, 40 |
| Elections (Amendment) Act 2009  | Printed source | 29, 41  |
| Penal Code, Cap 67, 1977  | Printed source | 43  |

#### All answers for Kiribati

#### Korea, Republic of

| Attribution   | Type              | Used in Question  |
|---|-------------------|---|
| Republic of Korea, National Election Commission     | Electronic source | 2, 3, 4, 5, 6, 7, 8, 9, 10, 17, 18, 22, 26, 27, 28, 35, 37, 38, 39, 40, 41, 42            |
| Political Fund Act, No.10395, Jul. 23 2010          | Printed source    | 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 12, 17, 18, 22, 26, 27, 28, 35, 36, 37, 38, 39, 40, 41, 43 |
| State Public Officials Act, 1949 (as amended by Act | Printed source    | 11  |

|  |                |  |
|--|----------------|--|
| No. 10148 of 2010)   |                |  |
| Public Official Election Act, 1994 (as amended by Act No. 11070 of 2011)   | Printed source | 23, 24, 25, 26, 29, 30, 31, 32, 33, 34 |
| Political Parties Act (No. 10396, July 23, 2010)   |                | 12                                     |
| Financing Democracy: Funding of Political Parties and Election Campaigns and the Risk of Policy Capture. OECD. 2016. |                | 13, 19, 20, 21                         |

#### All answers for Korea, Republic of

##### Kyrgyzstan

| Attribution   | Type           | Used in Question  |
|---|----------------|---|
| Constitutional Law of the Kyrgyz Republic, On elections of the President of the Kyrgyz Republic and deputies of Jogorku Kenesh of the Kyrgyz Republic, 2011 | Printed source | 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 15, 16, 17, 18, 19, 23, 24, 25, 26, 29, 30, 31, 32, 33, 34, 36, 37, 39, 40, 41, 43 |
| Law of the Kyrgyz Republic on Political Parties, 1999   | Printed source | 1, 13, 19, 43   |
| OSCE/ODIHR (2010) Kyrgyz Republic, Parliamentary Elections 10 October 2010, OSCE/ODIHR Election Observation Mission Report , OSCE/ODIHR                     | Printed source | 35, 36, 38, 40  |
| OSCE/ODIHR (2011) Kyrgyz Republic Presidential Election 2011, OSCE/ODIHR Election Observation Mission Interim Report No 1 , OSCE/ODIHR                      | Printed source | 34, 37  |

#### All answers for Kyrgyzstan

##### Latvia

| Attribution   | Type           | Used in Question  |
|---|----------------|---|
| Law on Financing of Political Organisations (Parties)   | Printed source | 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 15, 17, 20, 21, 22, 26, 31, 32, 33, 34, 35, 36, 38, 39, 40, 41, 43 |
| Law on Pre-election Campaign Before the Saeima Elections and Elections to the European Parliament, 2004   | Printed source | 5, 25, 30   |
| OSCE/ODIHR (2010) Republic of Latvia, Parliamentary Elections 2 October 2010, OSCE/ODIHR Needs Assessment Mission Report 14-16 July 2010 , OSCE/ODIHR | Printed source | 19  |
| The Criminal Law  | Printed source | 29, 43  |
| Law On Prevention of Squandering of the Financial Resources and Property of the State and Local Governments   | Printed source | 30  |
| OSCE/ODIHR. 2014. Election Assessment Mission Final Report.   |                | 14, 23, 24, 37  |

#### All answers for Latvia

##### Lebanon

| Attribution  | Type                       | Used in Question   |
|--|----------------------------|--|
| Parliamentary Elections Law, No. 25, 2008                                      | Parliamentary Election Act | 2, 4, 6, 8, 10, 11, 12, 17, 23, 25, 29, 30, 33, 34, 37, 39, 40, 41, 43 |
| Association Law  |                            | 13, 35   |
| Article 8  |                            | 14   |
| Ohman, Magnus (2009) The Political Finance Framework in Lebanon. IFES, Beirut. |                            | 1, 3, 5, 7, 9, 11, 15, 19, 31, 35, 36, 38, 42                          |

#### All answers for Lebanon

## Lesotho

| Attribution   | Type           | Used in Question  |
|---|----------------|---|
| National Assembly Election Order, 1992  | Printed source | 3, 7  |
| Guidelines for the Coverage of Elections on Radio and TV in Lesotho   | Printed source | 24  |
| National Assembly Electoral Act, 2011   | Printed source | 1, 5, 9, 12, 15, 22, 23, 24, 25, 29, 30, 35, 36, 37, 38, 39, 40, 41, 43 |
| Wondwosen Teshome B (2009) Political Finance in Africa: Ethiopia as a Case Study, International Journal of Human and Social Sciences 4:6 2009 | Printed source | 13  |
| Shale, Victor (2012) Political party funding in Lesotho and its impact on functioning of parties  |                | 19, 20, 21, 31  |

### All answers for Lesotho

## Liberia

| Attribution   | Type           | Used in Question  |
|---|----------------|---|
| Constitution of Liberia, 1984   | Printed source | 1, 2, 3, 4, 5, 6, 7, 8, 9, 13, 15, 23, 35, 40, 43                             |
| National Elections Commission (2011) Campaign Finance Regulations for Political Parties and Candidates    | Printed source | 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 30, 32, 36, 37, 38, 39, 40, 41, 42, 43 |
| Ohman, Magnus (2011) Political Finance Provisions in Liberia, And suggestions for reforms. IFES, Monrovia | Printed source | 13, 15, 17, 19, 23, 25, 26  |
| The New Elections Law, 1986   | Printed source | 29, 31, 32, 33, 34, 43  |
| Carter Center (2012) Final Report National Elections in Liberia Fall, 2011.                               |                | 19  |

### All answers for Liberia

## Libya

| Attribution  | Type | Used in Question  |
|--|------|---|
| Decision No. (59) of 2012 on Rectifying the Regulation of Candidate and Political Entities Election Campaigning. High National Elections Commission Board of Commission. |      | 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 15, 17, 23, 25, 29, 30, 35, 36, 37, 38, 39, 40, 41 |
| Law No. 4 of 2012, the General National Congress election  |      | 29, 43  |
| Regulation on Electoral Campaigning for the CDA Election Annexed to BOC Decision 46 (2013)   |      | 31, 32, 33, 34  |

### All answers for Libya

## Liechtenstein

| Attribution  | Type           | Used in Question  |
|--|----------------|---|
| Gesetz über die Aus von Beiträgen an die politischen Parteien, 1984  | Printed source | 7, 8, 9, 10, 11, 12, 15, 17, 19, 20, 21, 22, 25, 27, 28, 30, 35, 36, 37, 38, 40, 41, 42 |
| OSCE/ODIHR (2009) Principality of Liechtenstein 2009, Parliamentary Elections, OSCE/ODIHR Needs Assessment Mission Report 15-16 December 2008 ; OSCE/ODIHR | Printed source | 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 15, 17, 21, 23, 25, 28, 30, 31, 33, 35, 36, 37   |
| Volksrechtegesetz, VRG (People's Rights Act), 1973   | Printed source | 7, 8, 9, 10, 11, 12, 15, 17, 25, 28, 30, 36, 37, 41, 42                                 |
| Expert input provided by Dr Wilfried Marxer, Director and Head of Research, Liechtenstein Institute, 24  | Expert         | 41, 42  |

|   |                |    |
|---|----------------|----|
| August 2011   |                |    |
| Strafgesetzbuch (StGB), 1987 (Penal Code)   | Printed source | 29 |
| Expert input provided by Dr Sebastian Wolf, Research Officer, Liechtenstein Institute, 6 September 2011 | Expert         | 29 |

#### All answers for Liechtenstein

##### Lithuania

| Attribution  | Type           | Used in Question                                       |
|--|----------------|--|
| Law on Elections to Municipal Councils, 1994   | Printed source | 29   |
| Law on Elections to the European Parliament, 2003  | Printed source | 29   |
| Law of the Republic of Lithuania on Elections to the Seimas, 1992  | Printed source | 24, 25, 29   |
| Law on Presidential Elections, 1992  | Printed source | 29   |
| Law on Funding of Political Parties and Political Campaigns and Control of Funding, 2004   | Printed source | 17, 18, 21, 33, 34, 36, 37                             |
| GRECO (2009) Evaluation Report on Lithuania on Transparency of Party Funding (Theme II), GRECO   | Printed source | 11, 20, 23, 26, 31, 32, 35, 36, 37, 38, 39, 40, 41, 43 |
| GRECO (2011) Compliance report on Lithuania, Incriminations (ETS 173 and 191, GPC 2), Transparency of Party Funding, GRECO                               | Printed source | 30, 41   |
| Law on funding of, and control over funding of, political parties and political campaigns (23rd August 2004/amended 6th of December 2011)                |                | 1, 2, 7, 8, 9, 10, 12, 13, 14, 16, 20, 22              |
| GRECO (2013) Third Evaluation Round, Second Compliance Report on Lithuania "Incriminations (ETS 173 and 191, GPC 2)" and "Transparency of Party Funding" |                | 3, 4, 5, 6, 7, 8                                       |

#### All answers for Lithuania

##### Luxembourg

| Attribution   | Type           | Used in Question   |
|---|----------------|--|
| Loi Electoral, 2003   | Printed source | 20, 21, 22, 26, 29   |
| Loi portant Réglementation du Financement des Partis Politiques, 2007   | Printed source | 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 15, 17, 20, 21, 22, 36, 40, 43 |
| GRECO (2008) Evaluation Report on Luxembourg on Transparency of Party Funding (Theme II), GRECO   | Printed source | 4, 6, 8, 13, 15, 17, 30, 31, 33, 35, 37, 38, 39, 41, 43                |
| Venice Commission (2006) Draft opinion on the prohibition of donations to political parties from foreign sources. Opinion no. 366 / 2006. |                | 1  |

#### All answers for Luxembourg

##### Macedonia, former Yugoslav Republic (1993-)

| Attribution  | Type           | Used in Question   |
|--|----------------|--|
| Law on Local Elections, 1996   | Printed source | 34   |
| Law on Election of President of the Republic of Macedonia  | Printed source | 34   |
| GRECO (2010) Evaluation Report on the Former Yugoslav Republic of Macedonia, Transparency of Party Funding (Theme II), GRECO | Printed source | 26   |
| Law on Financing Political Parties   |                | 1, 3, 5, 7, 8, 9, 10, 12, 13, 14, 19, 20, 21, 22, 35, 38, 39, 40, 41, 43 |
| Electoral Code (2011)  |                | 2, 4, 6, 11, 12, 23, 25, 26, 29, 30, 31, 32, 33, 34, 36, 37, 39, 40, 41, |

|  |  |            |
|--|--|------------|
|  |  | 42, 43     |
| Criminal Code  |  | 43         |
| OSCE/ODIHR (2011) The former Yugoslav Republic of Macedonia, Early Parliamentary Elections, 5 June 2011<br>OSCE/ODIHR Election Observation Mission Final Report. |  | 24         |
| Political Finance and Gender Equality. Zigan & Ohman. 2014. IFES.  |  | 15, 16, 17 |
| IFES. 2014. Political Finance and Gender Equality  |  | 18         |

#### All answers for Macedonia, former Yugoslav Republic (1993-)

#### Madagascar

| Attribution  | Type              | Used in Question   |
|--|-------------------|--|
| Loi 2009-002 relative aux Partis Politiques, 2009  | Printed source    | 5, 12, 19, 20, 21, 22, 35, 40  |
| EISA (2010) Madagascar: Political party finances. Available at <a href="http://www.eisa.org.za/WEP/madparties2.htm">http://www.eisa.org.za/WEP/madparties2.htm</a> . Updated June 2010, accessed on 26 August 2011, EISA | Electronic source | 7, 9, 10, 11, 13, 14, 15, 16, 17, 18, 23, 24, 25, 30, 31, 33, 36, 38, 40, 42, 43 |
| Ordonnance No. 2010-003 portant loi organique relative au Code Électoral   | Printed source    | 23, 29, 30   |
| Mission d'observation de la Francophonie (2007) L'élection présidentielle du 3 décembre 2006 à Madagascar, Rapport de la Mission d'observation de la Francophonie 27 novembre au 7 décembre 2006.                        |                   | 2  |
| LOI n° 2011- 012 relative aux partis politiques  |                   | 1, 3   |

#### All answers for Madagascar

#### Malawi

| Attribution  | Type              | Used in Question  |
|--|-------------------|---|
| Constitution, 1994   | Printed source    | 19, 20  |
| Parliamentary and Presidential Elections Act 31 of 1993  | Printed source    | 1, 3, 5, 7, 23, 24, 29  |
| EISA - Malawi: Political party finances. Available at <a href="http://www.eisa.org.za/WEP/malparties3.htm">http://www.eisa.org.za/WEP/malparties3.htm</a> Updated June 2006, accessed on 26 August 2011, EISA          | Electronic source | 9, 11, 12, 13, 14, 15, 16, 27, 31, 32, 35, 36, 38, 39, 40, 42, 43 |
| Sokomani, Andile (2005) Money in Southern African Politics: The party funding challenge in Southern Africa, African Security Review 14(4)  | Printed source    | 19, 21, 22  |
| EISA (2009) Malawi: Women's representation quotas. Available at <a href="http://www.eisa.org.za/WEP/madparties2.htm">http://www.eisa.org.za/WEP/madparties2.htm</a> . Updated June 2009, accessed 18 August 2011, EISA | Electronic source | 28  |
| European Union Election Observation Mission (2009) Malawi, Final Report, Presidential and Parliamentary Elections, May 2009, European Union Election Observation Mission   | Printed source    | 31, 33, 37, 40  |
| EISA (2006) Malawi: Code of conduct. Available at <a href="http://www.eisa.org.za/WEP/malparties4.htm">http://www.eisa.org.za/WEP/malparties4.htm</a> , Published June 2006, Accessed 29/11/2011                       | Electronic source | 29  |

#### All answers for Malawi

#### Malaysia

| Attribution   | Type              | Used in Question           |
|---|-------------------|----------------------------|
| Elections Offences Act, 1954  | Printed source    | 29, 33, 34, 37, 39, 40, 43 |
| The Nut Graph (2010) Who pays our political parties? Available at <a href="http://www.thenutgraph.com/who-pays-our-political-parties/">http://www.thenutgraph.com/who-pays-our-political-parties/</a> , Published 29/07/2010, Accessed 21/10/2010 | Electronic source | 15, 17, 19, 35, 36         |

|  |                   |   |
|--|-------------------|---|
| Goodtimes (2011) Understanding political financing crucial for voters, Available at <a href="http://goodtimes.my/index.php/Politics-Government/understanding-political-financing-crucial-for-voters.html">http://goodtimes.my/index.php/Politics-Government/understanding-political-financing-crucial-for-voters.html</a> , Published N/A, Accessed 31/10/2011 | Electronic source | 3 |
|--|-------------------|---|

#### All answers for Malaysia

##### Maldives

| Attribution  | Type           | Used in Question   |
|--|----------------|--|
| Regulation on Political Parties, 2005  | Printed source | 1, 3, 5, 9, 11, 19, 22, 23, 27, 30, 35, 38, 39, 40, 42, 43 |
| EU Election Expert Mission (2008), Republic of the Maldives, Final Report, Presidential Election 8 October and 28 October 2008           | Printed source | 23, 25, 33, 34, 37, 38, 39                                 |
| Transparency International (2008), Domestic observation of the 2008 Maldivian Presidential Election, Transparency International Maldives | Printed source | 25, 33, 34, 38   |
| The Commonwealth Expert Team (2009), Maldives People's Majlis (Parliamentary) Elections 9 May 2009, Commonwealth Secretariat             | Printed source | 17, 18, 25, 33, 34, 37, 38, 39, 40                         |
| Maldives Penal Code, 1975  | Printed source | 29   |
| Transparency Maldives (2011) Transparency In Political Financing in Maldives, CRINIS Research Project                                    |                | 2, 4, 6, 8, 10, 12, 13, 15, 17, 18, 19, 20, 21, 36, 41     |

#### All answers for Maldives

##### Mali

| Attribution   | Type           | Used in Question                              |
|---|----------------|---|
| Code portant loi Electoral, No.06-044, 2006                         | Printed source | 23, 24, 25, 26, 29, 30, 43                    |
| Loi No. 05-047 du 18 aout 2005 portant Charte des Partis Politiques | Printed source | 3, 12, 13, 19, 20, 21, 26, 27, 35, 40, 41, 43 |
| La Constitution du Mali du 12 janvier 1992                          | Printed source | 23, 24  |

#### All answers for Mali

##### Malta

| Attribution   | Type              | Used in Question   |
|---|-------------------|--|
| General Elections Law, No. 354, 1991  | Electoral Act     | 7, 29  |
| GRECO (2009) Evaluation Report on Malta on Transparency of Party Funding (Theme II) , GRECO   | Printed source    | 1, 3, 4, 6, 7, 8, 11, 15, 17, 19, 23, 25, 26, 27, 31, 36, 37, 40 |
| EPRA (2000) Political Communication on Television Matters for debate, EPRA, Paris. Available at <a href="http://www.epra.org/content/english/press/back.html">http://www.epra.org/content/english/press/back.html</a> | Electronic source | 24, 25   |
| Foreign Interference Act, Chapter 300, 1987   | Printed source    | 2  |
| The Financing of Political Parties Act, 2015. Published in the Government Gazette 28 July, 2015.  |                   | 5, 9, 10, 12, 13, 14, 23, 33, 34, 35, 38, 39, 40, 41, 42, 43     |
| GRECO (October 2015) Second Interim Compliance Report on Malta: "Transparency of Party Funding"   |                   | 9, 10, 35, 41, 43  |

#### All answers for Malta

##### Marshall Islands

| Attribution   | Type           | Used in Question                    |
|---|----------------|-------------------------------------|
| Constitution of the Republic of the Marshall Islands, | Printed source | 3, 7, 8, 9, 10, 11, 12, 15, 17, 26, |



|   |                |  |
|---|----------------|--|
| 1979  |                | 28, 35, 36, 37, 42   |
| Elections and Referenda Act, 1980   | Printed source | 3, 7, 8, 9, 10, 11, 12, 15, 17, 23, 26, 28, 30, 35, 36, 37, 42 |
| Election Offences Act, 2004   | Printed source | 29, 42, 43   |
| Political Broadcast Access Act, 2004  | Printed source | 25   |
| Pacific Islands Forum Secretariat (2008) Report of the Pacific Islands forum, Election Observer Team to the Republic of the Marshall Islands' Nitijela (Parliamentary) Elections 19 November 2007 | Printed source | 2, 4, 6, 8, 10, 11, 12, 15, 17, 26, 31, 33, 35, 36, 37         |

#### All answers for Marshall Islands

#### Mauritania

| Attribution   | Type           | Used in Question                     |
|---|----------------|--------------------------------------|
| Legal Order No. 035-2006 relating to Election Campaign Finance        | Printed source | 2, 6, 10, 15, 16, 17, 18, 33, 37, 39 |
| Decree No. 113-2006 regarding the Limitation in the Election Campaign | Printed source | 34                                   |
| Political Party Law   | Printed source | 1, 9, 19, 20, 21, 35, 40, 43         |

#### All answers for Mauritania

#### Mauritius

| Attribution  | Type              | Used in Question  |
|--|-------------------|---|
| EISA (2010) The Mauritius National Assembly Elections 3 May 2010, EISA Election Observer Mission Report No.33, Johannesburg , EISA   | Printed source    | 1, 3, 5, 7, 9, 11, 13, 14, 15, 16, 18, 20, 21, 22, 26, 28, 30, 31, 35, 36, 37, 39, 40, 42 |
| Independent Broadcasting Authority (2010) Political Broadcasts and Party Election Broadcasts General Guidelines for Private and Public Broadcasters: General Elections 2010. Available at <a href="http://www.gov.mu/portal/goc/iba/file/Doc-2010-04-12-%20Guidelines%20Genral%20Elections%202010.pdf">http://www.gov.mu/portal/goc/iba/file/Doc-2010-04-12-%20Guidelines%20Genral%20Elections%202010.pdf</a> . Accessed 18 August 2011. | Electronic source | 23, 24, 25  |
| Representation of the People Act of 1968   | Printed source    | 29, 33, 34, 43  |
| EISA (2010) Mauritius: Political party funding. Available at <a href="http://www.eisa.org.za/WEP/mauparties2.htm">http://www.eisa.org.za/WEP/mauparties2.htm</a> . Published May 2010, Accessed 3 Oct 2011   | Electronic source | 1, 3, 5, 7, 9, 13, 15, 19   |

#### All answers for Mauritius

#### Mexico

| Attribution  | Type           | Used in Question  |
|--|----------------|---|
| Código Federal de Instituciones y Procedimientos Electorales, 2008 (Electoral Law)   | Printed source | 1, 2, 3, 4, 5, 6, 9, 10, 11, 13, 14, 15, 21, 22, 23, 24, 25, 26, 27, 28, 30, 31, 32, 33, 35, 36, 39, 41, 42 |
| Constitución Política de los Estados Unidos Mexicanos, 1917 (September 2011) (Constitution)  | Printed source | 30  |
| Código Penal Federal, 1931 (2011) (Federal Criminal Code)  | Printed source | 29, 30  |
| Cordoba, Lorenzo (2011) Mexico: Naturaleza de los Regímenes de Financiamiento Político (Público, Privado, Mixto). International IDEA | Printed source | 8, 17   |
| Ley General de Instituciones y Procedimientos Electorales 2014   |                | 37, 43  |
| Ley General de Partidos Políticos, 2014  |                | 38, 40  |
| INE & UNDP. 2014. Electoral Studies in Compared  |                | 34  |

|   |  |                   |
|---|--|-------------------|
| International Perspective.                                      |  |                   |
| Financing Democracy: OECD. 2016                                 |  | 7, 12, 19, 23, 35 |
| Cost of Democracy: Essays on Political Finance In Latin America |  | 20                |

#### All answers for Mexico

##### Micronesia, Federated States of

| Attribution  | Type           | Used in Question  |
|--|----------------|---|
| Public Law No. 14-76, Revised National Election Act of 2005  | Printed source | 8, 10, 11, 12, 17, 26, 29, 30, 37, 41, 43                                 |
| Code of the Federated States of Micronesia, 1997   | Printed source | 7, 8; 9, 10, 11, 12, 13, 15, 17, 19, 25, 28, 35, 36, 37, 41               |
| Transparency International (2004), National Integrity Systems, Transparency International Country Study Report, Federated States of Micronesia 2004, Transparency International Australia, Australia | Printed source | 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 15, 17, 19, 28, 31, 33, 35, 36 |
| The Constitution of the Federated States of Micronesia, 1979   | Printed source | 7, 9, 13, 15, 19, 28, 35, 36  |

#### All answers for Micronesia, Federated States of

##### Moldova, Republic of

| Attribution   | Type           | Used in Question                               |
|---|----------------|--|
| Law on Political Parties, 2007  | Printed source | 3, 5, 7, 9, 11, 12, 13, 26, 27, 28, 35, 42, 43 |
| GRECO (2010) Evaluation Report on Moldova, Transparency of Party Funding (Theme II) , GRECO | Printed source | 15, 31, 32, 33, 34, 42, 43                     |
| Electoral Code  | Printed source | 2, 4, 6, 8, 10, 16, 23, 24, 29, 31, 32, 33, 34 |
| Electoral Code of the Republic of Moldova 2015  |                | 1, 19, 20, 21, 25, 26, 36, 37, 38, 39, 40, 41  |
| Electoral Code of the Repu  |                | 1  |
| Law on Political Parties, 2012  |                | 19, 20, 21, 22                                 |
| Moldova Electoral Code (amended 2015)   |                | 17, 18   |

#### All answers for Moldova, Republic of

##### Monaco

| Attribution  | Type           | Used in Question                       |
|--|----------------|--|
| Constitution Monégasque, 1962  | Printed source | 30                                     |
| Loi No. 839 sur les Élections Nationales et Communales, modifiée, 2007   | Printed source | 11, 12, 19, 20, 21, 22, 26, 29, 30, 43 |
| Council of Europe (2008) The state of democracy in Europe; The functioning of democratic institutions in Europe and progress of the Assembly's monitoring procedure, Parliamentary Assembly, Council of Europe, Strasbourg   | Printed source | 11, 12, 27, 28, 31, 35                 |
| Arrêtés Ministeriel (2011), Arrêtés Ministeriel n° 2011-37 du 25 janvier 2011 déterminant le montant forfaitaire de remboursement des frais de campagne à l'élection du Conseil Communal des 13 et 20 mars 2011, Journal de Monaco, Bulletin Officiel de la Principauté, | Printed source | 21                                     |
| Council of Europe (2008) Observation of the Parliamentary Elections in Monaco 3 February 2008,   | Printed source | 23, 25                                 |

|   |                |   |
|---|----------------|---|
| Parliamentary Assembly, Council of Europe, Strasbourg   |                |   |
| Code Pénal, 1968  | Printed source | 43  |
| GRECO (2012) Evaluation Report on Monaco, Transparency of Political Party Funding (Theme II). Greco Third Evaluation Report, Strasbourg 23 March 2012 |                | 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 13, 15, 17, 31, 33, 35, 36, 38, 39, 40, 41, 42, 43 |

**All answers for Monaco**

**Mongolia**

| Attribution   | Type            | Used in Question   |
|---|-----------------|--|
| The International Republican Institute (2008) Mongolian parliamentary election June 29 2008, Election Observation Mission Final Report, IRI, Washington                                   | Printed source  | 23, 32, 34, 41   |
| Mongolian Foundation for Open Society (Soros Foundation) (2003) The Political Party and elections campaign financing assessment study-Mongolia, The Mongolian Foundation for Open Society | Printed source  | 35, 40   |
| Transparency International (2001) National Integrity Systems, Country Study Report Mongolia 2001 , <i>Transparency International</i>  | Printed source. | 35   |
| Law on Political Parties, 2005  | Printed source  | 1, 3, 5, 7, 9, 11, 12, 13, 14, 19, 20, 21, 22, 30, 38, 39, 43  |
| The Law on Election of State Great Hural 2011   |                 | 2, 4, 6, 8, 10, 11, 12, 15, 16, 17, 18, 23, 24, 25, 26, 29, 30, 31, 32, 33, 34, 36, 37, 38, 39, 40, 41, 43 |

**All answers for Mongolia**

**Montenegro**

| Attribution   | Type            | Used in Question  |
|---|-----------------|---|
| Law on the Election of Mayor  | Printed source  | 11, 29, 30  |
| Law on Election of President of Montenegro, 01/-1482/2, 2007  | Printed source  | 30  |
| Law on Financing of Political Parties   | Printed source  | 1, 3, 5, 7, 9, 11, 12, 13, 14, 15, 16, 20, 21, 22, 30, 31, 32, 35, 36, 38, 39, 40 |
| GRECO (2009) Evaluation Report on Montenegro on Transparency of party funding (Theme II) , <i>GRECO</i>   | Printed source. | 23, 24, 25, 26, 30, 36, 37, 40, 42  |
| Law on the Election of Councillors and Representatives  | Printed source  | 26  |
| Law on Financing the Election Campaign for the President of Montenegro, Mayor and President of Municipality (Official Gazette of Montenegro 08/09 of 4 February 2009) |                 | 2, 4, 6, 8, 10, 12  |
| Law on Amendments to the Law on Financing of Political Parties. Adopted 17 February 2014.   |                 | 12, 22, 30, 41, 43  |
| GRECO (2014) Second Compliance Report on Montenegro   |                 | 11  |

**All answers for Montenegro**

**Morocco**

| Attribution         | Type           | Used in Question                                    |
|---------------------|----------------|---|
| Political Party Law | Printed source | 1, 5, 9, 12, 13, 14, 18, 19, 20, 22, 35, 38, 40, 43 |

|   |                |                                  |
|---|----------------|----------------------------------|
| Joined Decision by the Minister of Interior and the Minister of Justice   | Printed source | 23, 24                           |
| Joined Decision by the Minister of Interior and the Minister of Finance and Economy, No. 403.09                   | Printed source | 27, 28                           |
| Election Law (Election Code)  | Printed source | 33, 34, 39                       |
| Election Law  | Printed source | 2, 8, 15, 17, 23, 29, 30, 37, 41 |
| International IDEA (2014) "Funding of Political Parties and Election Campaigns. A Handbook on Political Finance". |                | 28                               |

#### All answers for Morocco

#### Mozambique

| Attribution  | Type              | Used in Question  |
|--|-------------------|---|
| EISA 2004, EISA Mozambique Election Update 2004 No. 1, 4, 5.   | Printed source    | 20, 21  |
| EISA (2009) Mozambique: Party funding. Available at <a href="http://www.eisa.org.za/WEP/mozparties4.htm">http://www.eisa.org.za/WEP/mozparties4.htm</a> . Updated July 2009, accessed 27 June 2011, EISA | Electronic source | 22  |
| EISA (2009) Election Observer Mission Report: The Mozambique Presidential, Parliamentary and Provincial Elections of 28 October 2009, EISA   | Printed source    | 24  |
| Electoral Law, no 12/2014 of April 23rd, 2014 (Amends Law no 8/2013 of the 27th of February, 2013)   |                   | 1, 2, 3, 11, 12, 19, 20, 23, 24, 25, 29, 30, 36, 37, 38, 40, 41, 42, 43 |

#### All answers for Mozambique

#### Myanmar

| Attribution  | Type           | Used in Question   |
|--|----------------|--|
| Pyithu Hluttaw Election Law No. 3/2010 of 8 March 2010   | Printed source | 29, 33, 34, 37, 40, 43   |
| Amyotha Hluttaw Election Law No. 4/2010 of 8 March 2010  | Printed source | 29, 33, 34, 37, 40, 43   |
| Region/State Hluttaw Election Law No. 5/2010 of 8 March 2010   | Printed source | 29, 33, 34, 37, 40, 43   |
| Political Parties Registration Law No. 2/2010 of 8 March 2010  | Printed source | 1, 3, 5, 7, 35, 41   |
| 2015 General Election: Campaign Finance for Candidates and Parties. STEP Democracy & International IDEA, 2015. |                | 2, 4, 11, 12, 13, 15, 19, 23, 24, 26, 33, 34, 36, 38, 39, 41, 43 |
| Pyithu Hluttaw Election Law- Third Amendment. 2016.  |                | 43   |

#### All answers for Myanmar

#### Namibia

| Attribution  | Type              | Used in Question                        |
|--|-------------------|---|
| Electoral Act, No. 24 of 1992, 1992  | Printed source    | 1, 2, 12, 29, 38, 39, 42, 43            |
| BOER, M 2004, "The Life of the Party: The Hidden Role of Money in Namibian Politics", Institute for Public Policy Research, Occasional Paper No 5/2004, [www] <a href="http://www.hsf.org.na/download/OccPap5Boer.pdf">http://www.hsf.org.na/download/OccPap5Boer.pdf</a> (accessed 13 August 2011). | Electronic source | 3, 4, 5, 6, 7, 8, 9, 13, 14, 15, 16, 32 |
| EISA (2009) The Namibia Presidential and National Assembly Elections 27 and 28 November, EISA Election Observer Mission Report No.34, Johannesburg, EISA   | Printed source    | 19, 20, 21, 22, 23, 24                  |
| Transparency International (2010) NURU Promoting   | Printed source    | 11, 22, 30, 35, 36, 37, 38,             |

|  |                   |            |
|--|-------------------|------------|
| Transparency in Political Finance in Southern Africa – Comparative analysis and findings from Mozambique, Namibia, South Africa, Zambia and Zimbabwe, Transparency International Zimbabwe, <i>Transparency International</i> |                   | 39, 40, 41 |
| EISA (2006) Namibia: Party funding. Available at <a href="http://www.eisa.org.za/WEP/namparties4.htm">http://www.eisa.org.za/WEP/namparties4.htm</a> , Published June 2006, Accessed 29/11/2011                              | Electronic source | 31         |

#### All answers for Namibia

#### Nauru

| Attribution   | Type           | Used in Question  |
|---|----------------|---|
| Constitution of Nauru, 1968   | Printed source | 3, 7, 9, 11, 12, 15, 19, 23, 28, 30, 36, 42               |
| Criminal Code, 2006   | Printed source | 29, 41, 42, 43  |
| Electoral Act, 1965-2011  | Printed source | 9, 10, 12, 15, 17, 19, 23, 25, 28, 30, 33, 36, 37, 42     |
| Pacific Islands Forum Secretariat (2007), Report of the Pacific Islands Forum election observer team to Nauru's 2007 general election, Pacific Islands Forum Secretariat            | Printed source | 2, 4, 6, 8, 10, 17, 33, 37                                |
| Expert input provided by Katy Le Roy, Parliamentary Council, The Parliament of Nauru, 12 August 2011  | Expert         | 2, 4, 6, 8, 10, 11, 12, 17, 26, 28, 33, 36, 37, 41        |
| Pacific Islands Forum Secretariat (2010) Report of the Pacific Islands Forum Election Observer Mission to the April 2010 Nauru General Elections, Pacific Islands Forum Secretariat | Printed source | 25  |
| Expert input provided by Katy Le Roy, Parliamentary Council, The Parliament of Nauru, 14 August 2011  | Expert         | 1, 3, 5, 7, 9, 11, 12, 13, 15, 19, 23, 26, 31, 35, 36, 42 |
| Electoral Act No.15, 2016   |                | 11, 29  |

#### All answers for Nauru

#### Nepal

| Attribution   | Type              | Used in Question         |
|---|-------------------|--------------------------|
| Election to Members of the Constituent Assembly Act No. 2, 2007   | Printed source    | 31, 32, 33, 34, 36, 37   |
| Political Parties Act, 2058   | Printed source    | 1, 9, 35, 38, 39, 40, 43 |
| Election Offences and Punishment Act, No 2, 2007  | Printed source    | 29, 30                   |
| Jha, Hari Bansh (2007) Financing Election and Electoral Reforms in Nepal, Centre for Economic and Technical Studies, Latipur  | Printed source    | 19, 23                   |
| Global Integrity Report (2009) Scorecard: Nepal 2009. Available at <a href="http://report.globalintegrity.org/Nepal/2009/scorecard">http://report.globalintegrity.org/Nepal/2009/scorecard</a>  | Electronic source | 3, 4, 7, 13, 15, 17      |
| Transparency International (2010) Report on Transparency in Political Finance in Nepal - Pilot study conducted under Crinis Project in Bangladesh, Indonesia and Nepal, Transparency International Nepal, <i>Transparency International</i> | Printed source    | 24                       |
| European Union Election Observation Mission (2008) Nepal, Final Report, Constituent Assembly Election 10 April 2008, <i>European Union Election Observation Mission</i>   | Printed source    | 23                       |
| Expert input provided by C. K. Lal, Nepalese Journalist and Commentator, 7 October 2011   | Expert            | 2, 5, 6, 8, 41           |

#### All answers for Nepal

#### Netherlands

| Attribution                 | Type           | Used in Question |
|-----------------------------|----------------|------------------|
| Elections Law, No. 28, 1989 | Printed source | 15, 29, 36, 43   |

|   |                |  |
|---|----------------|--|
| Wet subsidiëring politieke partijen (Political parties funding Act), 1999   | Printed source | 7, 9, 11, 12, 15, 36                   |
| Algemene Rekenkamer (the Netherlands Court of Audit) (2011), Funding of Political Parties, The Hague  | Printed source | 1, 9, 12, 15, 23, 24, 40               |
| Mediawet, 2008  | Printed source | 23                                     |
| GRECO (2008) Evaluation Report on the Netherlands on Transparency of Party Funding (Theme II), GRECO  | Printed source | 1, 3, 5, 7, 9, 11, 13, 26, 31, 36, 40  |
| GRECO (2010) Compliance Report on the Netherlands, Transparency of Party Funding  | Printed source | 9, 41, 42, 43                          |
| Nassmacher, Karl-Heinz (2009) The Funding of Party Competition, Political Finance in 25 Democracies. Nomos, Baden-Baden                                   | Printed source | 26                                     |
| Wet inkomstenbelasting, 2001  | Printed source | 26                                     |
| Wet van 7 maart 2013, houdende regels inzake de subsidiëring en het toezicht op de financiën van politieke partijen (Wet financiering politieke partijen) |                | 10, 19, 20, 21, 22, 35, 38, 39, 40, 43 |

#### All answers for Netherlands

#### New Zealand

| Attribution   | Type              | Used in Question  |
|---|-------------------|---|
| Electoral Act, No. 87, 1993   | Printed source    | 1, 2, 9, 10, 29, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43 |
| Broadcasting Act, No. 25, 1989  | Printed source    | 20, 21, 23, 24  |
| Ministry of Justice (2009) Electoral Finance Reform, Issues Paper   | Printed source    | 3, 4, 5, 6, 7, 8, 12, 13, 15, 17, 18, 20, 22, 25                    |
| Elections New Zealand. How to make a donation protected from disclosure. Available at <a href="http://www.elections.org.nz/rules/parties/donations/make-donation-protected-from-disclosure.html">http://www.elections.org.nz/rules/parties/donations/make-donation-protected-from-disclosure.html</a> . Published N/A, Accessed 13 October 2011 | Electronic source | 9   |
| Expert input provided by Prof. Andrew Geddis, Professor, Faculty of Law, University of Otago  | Expert            | 11  |
| Parliamentary Service Amendment Act, 2010   | Printed source    | 22  |
| Cabinet Office (1989) Appendix B: Guidelines for Government Advertising   | Printed source    | 30  |

#### All answers for New Zealand

#### Nicaragua

| Attribution  | Type           | Used in Question   |
|--|----------------|--|
| Ley Electoral No. 331, 2000 (Electoral Law)  | Printed source | 1, 7, 8, 9, 10, 11, 12, 15, 17, 19, 20, 21, 22, 23, 24, 25, 26, 29, 30, 35, 37, 38, 39, 40, 42, 43 |
| Resolución del Consejo Supremo Electoral para el Control y Administración del Financiamiento Estatal, Donaciones y Aportes Privados a las Organizaciones Políticas en la Campaña Electoral de las Elecciones Nacionales del 05 de Noviembre de 2006. | Printed source | 36, 37   |
| Velásquez Zelaya, Rosa Marina, Financiamiento político en Nicaragua, in Gutiérrez, Pablo & Zovatto, Daniel (eds) (2011) Financiamiento de los partidos políticos en América Latina, IDEA/OAS/UNAM, Mexico  | Printed source | 13, 27, 28, 36   |
| Cost of Democracy: Essays on Political Finance in Latin America. International IDEA. 2016  |                | 20   |
| Cost of Democracy: Essays on Political Finance in Latin America. International IDEA: 2016.   |                | 23   |

All answers for Nicaragua

Niger

| Attribution   | Type           | Used in Question  |
|---|----------------|---|
| Ordonnance du 16 decembre 2010 portant Charte des Partis Politiques | Printed source | 1, 3, 9, 11, 13, 14, 19, 20, 21, 22, 23, 24, 26, 27, 35, 38, 39, 40, 41, 42, 43 |
| Ordonnance NO 2010-96 du 26 decembre 2010 portant Code Electoral    | Printed source | 25, 26, 29, 30  |

All answers for Niger

Nigeria

| Attribution  | Type           | Used in Question  |
|--|----------------|---|
| Electoral Act, 2010  | Printed source | 9, 13, 15, 17, 18, 23, 24, 25, 29, 30, 31, 33, 34, 35, 36, 38, 39, 40, 41, 43 |
| Independent National Electoral Commission (2010) Political Party Finance Handbook  | Printed source | 3, 5, 7, 19   |
| Ohman, Magnus (2010) New Electoral Act fails to address loopholes in campaign finance transparency, IFES Nigeria Political Finance Newsletter, Vol 1, No 1 | Printed source | 2, 4, 6, 8, 10, 31  |
| Electoral Act, 2010 (amended)  |                | 1   |
| Independent National Electoral Commission, Guidelines for Political Rallies and Campaigns, 2014  |                | 37  |

All answers for Nigeria

Norway

| Attribution   | Type           | Used in Question   |
|---|----------------|--|
| GRECO (2006) Evaluation Report on Norway, Transparency of Political Party Funding (Theme II), GRECO | Printed source | 2, 3, 4, 6, 7, 8, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 30, 31, 32, 33, 34, 42 |
| Bertelsmann Stiftung (2011) Norway Report, Sustainable Governance Indicators 2011                   | Printed source | 25   |
| LOV-2013-02-01-6: Lov om endringer i partiloven   |                | 1, 5, 9, 35, 36, 38, 39, 40, 41, 43  |

All answers for Norway

Pakistan

| Attribution   | Type           | Used in Question  |
|---|----------------|---|
| The Political Parties Order, 2002   | Printed source | 1, 3, 5, 7, 9, 11, 12, 15, 35, 36, 38, 39, 40, 43                 |
| The Representation of People Act, 1976  | Printed source | 8, 10, 11, 12, 15, 17, 28, 29, 30, 33, 34, 36, 37, 38, 39, 40, 43 |
| European Union Election Observation Mission (2008) Islamic Republic of Pakistan, Final Report, National and Provincial Assembly Elections 18 February 2008, European Commission | Printed source | 19, 23, 25, 26, 28, 31, 38  |
| International Crisis Group (2005) Authoritarianism and Political Party Reform in Pakistan, Asia Report No. 102 – 28 September 2005, International Crisis Group                  | Printed source | 19  |
| Election Commission of Pakistan (2010), Political Finance Report from National Workshop 3-4 November 2010, Election Commission of Pakistan, Pakistan                            | Printed source | 8, 11, 12, 15, 19, 23, 25, 26, 31, 36                             |

|  |                   |    |
|--|-------------------|----|
| The Political Parties Rules, 2002  | Printed source    | 35 |
| Global Integrity (2010) Scorecard: Pakistan 2010. Available at <a href="http://www.globalintegrity.org/report/Pakistan/2010/scorecard">http://www.globalintegrity.org/report/Pakistan/2010/scorecard</a> | Electronic source | 31 |

### All answers for Pakistan

#### Palau

| Attribution                       | Type           | Used in Question  |
|-----------------------------------|----------------|---|
| Code of Ethics Act, 33 PNCA, 1999 | Printed source | 2, 7, 8, 10, 11, 12, 17, 28, 30, 33, 35, 36, 37, 38, 39, 40, 41, 43 |
| Voting Rights Act, 23 PNCA, 1981  | Printed source | 7, 8, 9, 11, 25, 28, 29, 30, 35, 36, 41                             |

### All answers for Palau

#### Panama

| Attribution   | Type           | Used in Question  |
|---|----------------|---|
| Código Electoral de Panamá, 2006 (Electoral Law)  | Printed source | 1, 2, 5, 6, 9, 10, 12, 14, 16, 18, 20, 21, 22, 24, 26, 27, 28, 29, 30, 38, 43 |
| Constitución Política de la República de Panamá, 2004 (Constitution)  | Printed source | 42  |
| Decreto 38 del 23 de Diciembre de 2004  | Printed source | 35, 36, 37, 39, 40, 41  |
| Expert input provided by Magda Ceballos, Dirección de Asesoría Legal, Tribunal Electoral de Panamá, October 2011  | Expert         | 3, 4, 7, 8, 11, 15, 17, 25, 31, 33  |
| Gutiérrez, Pablo & Zovatto, Daniel (eds) (2011) Financiamiento de los partidos políticos en América Latina, IDEA/OAS/UNAM, Mexico   |                | 13, 15, 28, 42  |
| Escoffery, Eduardo Valdés (2011) "Principales Características de la Financiación de Partidos Políticos en Panamá" in Gutiérrez, Pablo & Zovatto, Daniel (eds) Financiamiento de los partidos políticos en América Latina, IDEA/OAS/UNAM, Mexico |                | 31, 33  |
| Transparency International & The Carter Center (undated) The Crisis Project: Money in politics, everyone's concern.   |                | 37  |
| Cost of Democracy: Essays on Political Finance in Latin America. International IDEA. 2016   |                | 20  |
| Cost of Democracy: Essays on Political Finance in Latin America. International IDEA: 2016.  |                | 23  |

### All answers for Panama

#### Papua New Guinea

| Attribution  | Type           | Used in Question  |
|--|----------------|---|
| Organic Law on the Integrity of Political Parties and Candidates, 2003   | Printed source | 1, 2, 7, 8, 9, 10, 11, 12, 13, 14, 15, 17, 18, 19, 20, 21, 22, 25, 27, 28, 35, 36, 37, 38, 39, 40, 41, 43 |
| Electoral Law (National Elections) Regulation, 2007  | Printed source | 26  |
| Income Tax Act, 1959   | Printed source | 26  |
| Organic Law on the National and Local-Level Government Elections, 1997   | Printed source | 11, 25, 28, 29  |
| The Commonwealth-Pacific Islands Forum Election Assessment Team (2007), Papua New Guinea National Election June-August 2007, Report of the Commonwealth-Pacific Islands Forum Election Assessment Team | Printed source | 25  |



|   |                   |        |
|---|-------------------|--------|
| Global Integrity Report (2007) Scorecard: Papua New Guinea 2007.<br>Available at<br><a href="http://report.globalintegrity.org/Papua%20New%20Guinea/2007/scorecard">http://report.globalintegrity.org/Papua%20New%20Guinea/2007/scorecard</a> | Electronic source | 31, 41 |
| Okole, Henry Tadap (2011) A Critical Review of Papua New Guinea's Organic Law on the Integrity of Political Parties and Candidates: 2001 - 2010.  |                   | 1      |

#### All answers for Papua New Guinea

#### Paraguay

| Attribution  | Type           | Used in Question  |
|--|----------------|---|
| Constitución de Paraguay, 1992 (Constitution)  | Printed source | 1   |
| Ley No. 834/96 que establece el Código Electoral Paraguayo (Electoral Law)   | Printed source | 1, 3, 5, 7, 9, 11, 12, 15, 16, 20, 21, 22, 23, 24, 25, 26, 29, 30, 35, 36, 37, 39, 40, 41, 43 |
| Bareiro, Line & Echaui, Carmen, Financiamiento de la política en el Paraguay, in Gutiérrez, Pablo & Zovatto, Daniel (eds) (2011) Financiamiento de los partidos políticos en América Latina, IDEA/OAS/UNAM, México | Printed source | 22, 27, 28, 38  |
| Expert input provided by Carlos María Ljudovic, Asesor de la Presidencia, Tribunal Superior de Justicia Electoral, October 2011  | Expert         | 2, 4, 6, 8, 10, 13, 17, 42  |
| INE & UNDP. 2014. Electoral Studies in Compared International Perspective.   |                | 31, 32, 33, 34  |
| Cost of Democracy: Essays on Political Finance in Latin America. International IDEA: 2016  |                | 20  |

#### All answers for Paraguay

#### Peru

| Attribution  | Type           | Used in Question  |
|--|----------------|---|
| Ley de Partidos Políticos, Ley No. 28094, 2003 (2009) (Political Parties Act)  | Printed source | 7, 10, 11, 15, 16, 22, 39   |
| Reglamento de Financiamiento y Supervisión de Fondos Partidarios, 2005.  | Printed source | 2, 4, 5, 6, 8, 9, 10, 17, 23, 36, 38, 39, 40, 41, 42                            |
| Resolución No. 136-2010-JNE  | Printed source | 30  |
| Ley Orgánica de Elecciones, Ley No. 26859, 1997 (2009) (Electoral Law)   | Printed source | 30, 37, 40  |
| Tuesta Soldevilla, Fernando, El financiamiento de los partidos políticos en Perú, in Gutiérrez, Pablo & Zovatto, Daniel (eds) (2011) Financiamiento de los partidos políticos en América Latina, IDEA/OAS/UNAM, México | Printed source | 27, 28, 41  |
| Sentencia del Pleno Jurisdiccional del Tribunal Constitucional del 27 de Septiembre de 2011  | Printed source | 41  |
| Expert input provided by Yessica Clavijo Chipoco, Especialista en Gestión Electoral, Jurado Nacional de Elecciones, October 2011   | Expert         | 25, 31, 33  |
| CÓDIGO PENAL DECRETO LEGISLATIVO N° 635  |                | 29  |
| Cost of Democracy. Essays on Political Finance in Latin America. International IDEA: 2016.   |                | 23  |
| Ley que modifica la ley 28094, ley de partidos políticos, October 2015   |                | 1, 2, 3, 4, 5, 6, 9, 12, 13, 14, 17, 18, 19, 20, 21, 23, 24, 26, 35, 36, 40, 43 |

#### All answers for Peru

#### Philippines

| Attribution | Type | Used in Question |
|-------------|------|------------------|
|-------------|------|------------------|

|   |                |   |
|---|----------------|---|
| Omnibus Election Code of the Philippines, 1985  | Printed source | 1, 2, 5, 6, 9, 10, 11, 12, 23, 24, 29, 30, 31, 33, 37, 39, 40, 41, 43 |
| Republic of the Philippines. Commission On Elections . Manila. Resolution No. 9087. Sec 4, Republic of the Philippines. Commission On Elections . Manila. Resolution No. 8944. Sec 4 (h) 2010 | Printed source | 1, 2  |
| Republic of the Philippines. Commission On Elections: Manila. Resolution No. 8944.  | Printed source | 5, 12, 33, 34, 36, 37, 39, 40, 43                                     |
| Republic Act No. 9006, An act to enhance the holding of free, orderly, honest, peaceful and credible elections through fair election practice, 2001.  | Printed source | 24, 25  |
| Republic of Philippines, House of Representative, House Bill No. 190  | Printed source | 20, 21, 22, 31  |
| Corporation Code of the Philippines, Batas Pambansa Blg. 68   | Printed source | 3, 4  |
| Republic Act No. 7166 (synchronized elections)  | Printed source | 32, 34  |

#### All answers for Philippines

#### Poland

| Attribution   | Type           | Used in Question  |
|---|----------------|---|
| Law on Political Parties, 1997                        | Printed source | 15, 16, 22, 35  |
| r. Kodeks wyborczy, Ustawa 112 z dnia 5 stycznia 2011 |                | 15, 16, 17, 18, 25, 29, 30  |
| Election Code of Poland. 2011.                        |                | 1, 2, 4, 6, 8, 13, 14, 23, 24, 26, 33, 34, 36, 37, 38, 39, 40, 42, 43 |
| OSCE/ODIHR. 2015. Election Assessment Mission Report  |                | 3, 5, 7, 9, 11, 19, 20, 21, 31, 32, 41                                |
| Dr. Gagatek Wojciech.                                 |                | 10  |

#### All answers for Poland

#### Portugal

| Attribution  | Type              | Used in Question  |
|--|-------------------|---|
| Lei Eleitoral, No. 14/79, 1979   | Printed source    | 2, 4, 6, 8, 10  |
| Organização e Funcionamento da Entidade das Contas e Financiamentos Políticos, 2005  | Printed source    | 41  |
| GRECO (2010) Evaluation Report on Portugal Transparency of Party Funding (Theme II) , GRECO  | Printed source    | 3, 7, 9, 11, 12, 13, 14, 15, 16, 17, 18, 20, 22, 26, 31, 32, 35, 36, 37, 40, 43 |
| QSCE/ODIHR (2009) Portugal Parliamentary Elections 27 September 2009, OSCE/ODIHR Needs Assessment Mission Report 24-26 June 2009 , OSCE/ODIHR  | Printed source    | 1, 23, 24   |
| Bertelsmann Stiftung (2011) Spain Report, Sustainable Governance Indicators 2011   | Printed source    | 23  |
| Law on the Financing of Political Parties and Election Campaigns, No. 19/2003  | Printed source    | 1, 3, 5, 7, 9, 20, 21, 22, 36, 37, 38, 39                                       |
| Publico (2009) Entidade das Contas esclarece que PCTP-MRPP tem direito a subsídio anual mas não a subvenção. Available at <a href="http://www.publico.pt/Pol%C3%ADtica/entidade-das-contas-esclarece-que-pctpmrpp-tem-direito-a-subsidio-anual-mas-nao-a-subvencao-1403136">http://www.publico.pt/Pol%C3%ADtica/entidade-das-contas-esclarece-que-pctpmrpp-tem-direito-a-subsidio-anual-mas-nao-a-subvencao-1403136</a> , Published 30/09/2009, Accessed 2/11/2011 | Electronic source | 20  |
| Lei Eleitoral do Presidente da República, Decreto-Lei No. 319-A/76, de 3 de Maio   | Printed source    | 25, 33, 34  |
| Lei da Paridade Estabelece que as listas para a Assembleia da República, para o Parlamento Europeu e para as Autarquias  | Printed source    | 27  |

|   |                |        |
|---|----------------|--------|
| Locais são compostas de modo a assegurar a representação mínima de 33% de cada um dos sexo. Lei Orgânica No. 3/2006 |                |        |
| Código Penal Português  | Printed source | 29     |
| Lei Orgânica do Regime do Referendo, Lei No. 15-A/9   | Printed source | 40, 41 |
| GRECO (2013) Interim Compliance Report on Portugal (Theme II)   |                | 38     |
| Cost of Democracy: Essays on Political Finance in Latin America. International IDEA. 2016.                          |                | 43     |

#### All answers for Portugal

#### Republic of The Congo (Brazzaville)

| Attribution   | Type           | Used in Question  |
|---|----------------|---|
| Loi No. 21-2006 du 21 Aout 2006 sur les Partis Politiques                             | Printed source | 1, 2, 3, 4, 9, 13, 14, 15, 16, 17, 18, 19, 20, 21, 35, 39, 40, 42 |
| Constitution de la Republique du Congo du 20 janvier 2002                             | Printed source | 19, 26  |
| Loi du 24 novembre 2001 portant loi Electorale en Republique du Congo (Electoral Act) | Printed source | 23, 25, 29, 30, 43  |
| Loi No. 15-2001 du 31 decembre 2001 relative au Pluralisme dans L'audiovisuel Public  | Printed source | 23, 24, 25  |

#### All answers for Republic of The Congo (Brazzaville)

#### Romania

| Attribution   | Type           | Used in Question  |
|---|----------------|---|
| Law on the Elections for the Chamber of Deputies and the Senate, 2004                           | Printed source | 29  |
| Law on Political Parties, No. 27 of 1996, 1996  | Printed source | 28, 29  |
| Law on the Financing of the Activity of Political Parties and Electoral Campaigns, No. 334/2006 | Printed source | 1, 2, 2, 4, 5, 6, 7, 8, 9, 10, 11, 12, 17, 27, 30, 38, 41                               |
| GRECO (2010) Evaluation Report on Romania on Transparency of Party Funding (Theme II), GRECO    | Printed source | 1, 3, 7, 14, 15, 16, 18, 19, 20, 21, 23, 24, 25, 26, 31, 32, 33, 34, 36, 37, 39, 40, 42 |
| Law 334/2006, as amended in May 2015.   |                | 1, 13, 14, 20, 22, 35, 43   |
| GRECO (2015) Interim Compliance Report on Romania   |                | 38  |

#### All answers for Romania

#### Russian Federation

| Attribution   | Type           | Used in Question   |
|---|----------------|--|
| Federal Law on Political Parties  | Printed source | 1, 3, 5, 7, 9, 12, 19, 22, 26, 30, 38, 39, 40, 41, 42, 43                          |
| Federal Law on the Election of the President of the Russian Federation                                      | Printed source | 2, 4, 6, 8, 10, 11, 17, 18, 23, 24, 25, 29, 30, 33, 34, 36, 37, 40, 43             |
| Federal Law on the Election of Deputies of the State Duma of the Federal Assembly of the Russian Federation | Printed source | 2, 4, 6, 8, 10, 11, 17, 18, 23, 24, 25, 27, 28, 29, 30, 31, 32, 33, 34, 36, 37, 40 |
| Federal Law of December 1, 2012   |                | 13, 14, 20, 21, 35   |
| European Parliament. 2015. Political Party Funding in Russia.   |                | 15, 16   |

#### All answers for Russian Federation

#### Rwanda

| Attribution   | Type           | Used in Question                                     |
|---|----------------|--|
| Electoral Code  | Printed source | 23, 24, 25, 29, 30, 43                               |
| Organic Law No. 16/2003 of 27/06/2003 Governing Political Organizations and Politicians                                 | Printed source | 1, 9, 11, 12, 20, 21, 22, 26, 35, 39, 40, 41, 42, 43 |
| Commonwealth Secretariat (2010), Rwanda Presidential Elections 9 August 2010, Report of the Commonwealth Observer Group | Printed source | 31, 36, 37, 38                                       |

#### All answers for Rwanda

#### Saint Kitts and Nevis

| Attribution   | Type           | Used in Question                                |
|---|----------------|---|
| Organization of American States (2010), Final Report of the OAS Electoral Observation Mission for the General Elections in the Federation of Saint Kitts and Nevis on January 25 2010, Secretariat for Political Affairs , OAS  | Printed source | 1, 2, 9, 10, 19, 23, 25, 28, 31, 33, 35, 36, 37 |
| Commonwealth Expert Team (2010), St Kitts and Nevis General Election 25 January 2010, Report of the Commonwealth Expert Team  | Printed source | 9, 10, 23, 25, 28                               |
| Ryan, Selwyn, Disclosure and Enforcement of Political Party and Campaign Financing in CARICOM States in Griner, Steven & Zovatto, Daniel (ed. by) (2005), From Grassroots to the Airwaves: Paying for Political Parties and Campaigns in The Caribbean, The Organization of American States (OAS) and International IDEA, Washington D.C , OAS/IDEA | Printed source | 9, 10, 26, 28, 31, 35, 36, 37                   |

#### All answers for Saint Kitts and Nevis

#### Saint Lucia

| Attribution   | Type           | Used in Question                                    |
|---|----------------|---|
| Elections Act, Chapter 1.02   | Printed source | 29, 43  |
| Organization of American States (2007), Final Report of the Electoral Observation Mission in Saint Lucia General Election 2006, Secretariat for Political Affairs, OAS , OAS  | Printed source | 1, 2, 3, 4, 5, 6, 13, 15, 19, 26, 31, 33            |
| Ryan, Selwyn, Disclosure and Enforcement of Political Party and Campaign Financing in CARICOM States in Griner, Steven & Zovatto, Daniel (ed. by) (2005), From Grassroots to the Airwaves: Paying for Political Parties and Campaigns in The Caribbean, The Organization of American States (OAS) and International IDEA, Washington D.C , OAS/IDEA | Printed source | 7, 8, 9, 10, 12, 13, 15, 17, 25, 31, 33, 35, 36, 37 |
| Payne, Douglas W (2005) "Political Financing: Access of Political Parties to Media" in Griner, Steven & Zovatto, Daniel (ed. by) (2005), From Grassroots to the Airwaves: Paying for Political Parties and Campaigns in The Caribbean, The Organization of American States (OAS) and International IDEA, Washington D.C                             |                | 23, 24  |

#### All answers for Saint Lucia

#### Saint Vincent and The Grenadines

| Attribution  | Type           | Used in Question                       |
|--|----------------|--|
| Electoral Law  | Printed source | 29                                     |
| Ryan, Selwyn, Disclosure and Enforcement of Political Party and Campaign Financing in CARICOM States in Griner, Steven & Zovatto, Daniel (ed. by) (2005), From | Printed source | 13, 15, 17, 19, 20, 31, 33, 35, 36, 37 |

Grassroots to the Airwaves: Paying for Political Parties and Campaigns in The Caribbean, The Organization of American States (OAS) and International IDEA, Washington D.C , OAS/IDEA

Payne, Douglas W (2005) "Political Financing: Access of Political Parties to Media" in Griner, Steven & Zovatto, Daniel (ed. by) (2005), From Grassroots to the Airwaves: Paying for Political Parties and Campaigns in The Caribbean, The Organization of American States (OAS) and International IDEA, Washington D.C

23, 24, 25

#### All answers for Saint Vincent and The Grenadines

#### Samoa

| Attribution  | Type           | Used in Question |
|--|----------------|------------------|
| Electoral Act, 1963  | Printed source | 29               |
| ADB/OECD Anti-Corruption Initiative for Asia and the Pacific, Combating corruption in Asia-Pacific: Samoa's measures to implement the Anti-Corruption Action Plan for Asia-Pacific | Printed source | 35, 36, 37       |

#### All answers for Samoa

#### San Marino

| Attribution   | Type           | Used in Question           |
|---|----------------|----------------------------|
| Regolamento Disciplina Campagna Elettorale, 1997  | Printed source | 23, 24, 25, 26             |
| La Legge Elettorale 1996 No.6   | Printed source | 31, 32, 33, 34, 36, 37, 40 |
| Finanziamento dei Partiti e Movimenti Politici  | Printed source | 19, 35                     |
| Venice Commission (2006) Draft opinion on the prohibition of donations to political parties from foreign sources. Opinion no. 366 / 2006. |                | 1                          |
| OSCE/ODIHR (2012) Republic of San Marino Early Parliamentary Elections 11 November 2012, OSCE/ODIHR Needs Assessment Mission Report       |                | 20, 21, 29, 37             |
| Finanziamento dei Partiti e Movimenti Politici, Legge 23 novembre 2005 n.170  |                | 9, 38, 39, 40              |

#### All answers for San Marino

#### Sao Tome and Principe

| Attribution  | Type           | Used in Question   |
|--|----------------|--|
| Lei No. 09/04 de financiamento dos partidos políticos e das campanhas eleitorais | Printed source | 1, 2, 3, 4, 5, 6, 8, 9, 12, 13, 14, 17, 18, 20, 21, 26, 31, 32, 33, 35, 36, 38, 40, 41, 42, 43 |

#### All answers for Sao Tome and Principe

#### Senegal

| Attribution   | Type              | Used in Question           |
|---|-------------------|----------------------------|
| Loi No. 92-16 du 07 fevrier 1992 portant Code Electoral, Edition 2009   | Printed source    | 23, 24, 25, 26, 29, 30, 43 |
| Loi No. 89-36 du 12 octobre 1989 modifiant la Loi No. 81-17 du 6 mai 1981 relative aux Partis Politiques                                  | Printed source    | 1, 40, 43                  |
| Loi No. 81-17 du 06 mai 1981  | Printed source    | 35, 40                     |
| SudQuoTidien (2010) Sénégal: financement des partis politiques - Une question posée depuis 1998 mais toujours sans réponse. Accessible at | Electronic source | 19                         |

<http://fr.africac.com/stories/201009160859.html>, Published 26/09/2010, Accessed 31/10/2011

Wondwosen Teshome B (2009) Political Finance in Africa: Ethiopia as a Case Study, International Journal of Human and Social Sciences 4:6 2009 Printed source 13

**All answers for Senegal**

**Serbia**

| Attribution  | Type           | Used in Question  |
|--|----------------|---|
| Law on Financing Political Activities  | Printed source | 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 20, 21, 22, 26, 35, 36, 37, 38, 39, 40, 41, 43 |
| Broadcasting Act, 2002   | Printed source | 23, 24, 25, 30  |
| Law on the Elections of Deputies, 2000 (as amended)  | Printed source | 27  |
| Criminal Code, 2005  | Printed source | 29, 30  |
| Ohman, Magnus (2011) The Serbian Law on Financing Political Activities, Legal Provisions and Recommendations for Enforcement. IFES, Washington | Printed source | 31  |
| Broadcasting Act   |                | 25  |
| GRECO. 2012. Third Evaluation Round. Compliance Report on Serbia.  |                | 38, 42  |

**All answers for Serbia**

**Seychelles**

| Attribution   | Type           | Used in Question                          |
|---|----------------|---|
| Elections Act, Cap. 68A, THE GOVERNMENT PRINTER   | Printed source | 9, 23, 24, 25, 31, 35, 36, 37, 39, 40, 43 |
| Code of Conduct for Political Parties and Stake Holders   | Printed source | 29, 30                                    |
| Political Parties (Registration and regulation) Act, Cap. 173   | Printed source | 19, 20, 21, 26, 27, 41, 42                |
| Commonwealth Secretariat (2011) Seychelles Presidential Elections 9-21 May 2011, Report of the Commonwealth Expert Team | Printed source | 1, 2, 9, 10, 13, 15, 17, 31, 33           |

**All answers for Seychelles**

**Sierra Leone**

| Attribution   | Type           | Used in Question   |
|---|----------------|--|
| The Political Parties Act, 2002   | Printed source | 1, 3, 5, 7, 11, 12, 13, 15, 19, 35, 36, 37, 38, 40, 41, 43 |
| The Political Parties (Election Finance Reporting) Regulations, 2007. Statutory Instrument No.3 of 2008 | Printed source | 9, 10, 37, 38, 39  |
| Public Elections Act 2012   |                | 23, 24, 25, 26, 29, 30, 42, 43                             |

**All answers for Sierra Leone**

**Singapore**

| Attribution  | Type              | Used in Question  |
|--|-------------------|---|
| Political Donation Act, Chapter 236  | Printed source    | 1, 2, 3, 4, 5, 6, 8, 10, 11, 12, 14, 30, 35, 36, 37, 39, 40, 43 |
| Political Donation Act 2000 Handbook. Available at <a href="http://www.elections.gov.sg/registry_donations_handbook.html">http://www.elections.gov.sg/registry_donations_handbook.html</a> . Published N/A, Accessed N/A | Electronic source | 1, 2, 7, 8, 11, 30, 39  |

|   |                |                |
|---|----------------|----------------|
| Presidential Election Act                 | Printed source | 29, 33, 34, 38 |
| Parliamentary Elections Act (Chapter 218) | Printed source | 33, 34, 38     |

### All answers for Singapore

#### Slovakia

| Attribution   | Type              | Used in Question   |
|---|-------------------|--|
| Act of the National Council of the Slovak Republic of 18 August 1994 on limitations of expenditures of the political parties on advertising before  | Printed source    | 32   |
| Elections to the National Council of the Slovak Republic, Act No. 333 in the Collection of Laws of 13 May 2004  | Printed source    | 20, 21, 26   |
| Act of 18 March 1999 on Election of the President of the Slovak Republic, Plebiscite, Recalling of President and Amending of some other Acts, as amended by the Act No. 515/2003 Coll., Act no. 167/2008 Coll. and Act no. 445/2008 Coll. | Printed source    | 28, 34   |
| The Slovak Spectator (2011) Financing on political parties to be overhauled, Published 17 January 2011, Accessed N/A  | Electronic source | 35   |
| GRECO (2008) Evaluation Report on the Slovak Republic, Transparency of Political Party Funding (Theme II)   | Printed source    | 1, 3, 5, 6, 7, 8, 12, 13, 15, 17, 21, 22, 26, 33, 35, 41, 42                   |
| Political Movements and Political Parties, Act No. 85, 2005   | Printed source    | 11   |
| OSCE/ODIHR (2012) Slovak Republic, Early Parliamentary Elections, 10 March 2012, OSCE/ODIHR Needs Assessment Mission Report   |                   | 29   |
| Third Evaluation Round, Addendum to the Second Compliance Report on the Slovak Republic (GRECO, 2014)   |                   | 9, 10, 31, 36, 37, 38, 39, 40, 43  |
| OSCE/ODIHR Election Assessment Mission Final Report, 2016   |                   | 20   |
| OSCE/ODIHR Slovak Republic, Election Assessment Mission Final Report, 2016  |                   | 31, 32   |
| Act No. 181/2014 Coll. on Election Campaigns and the Amending and Supplementing Act No. 85/2005 Coll. on Political Parties and Political Movements  |                   | 2, 4, 6, 7, 10, 11, 12, 23, 24, 25, 29, 30, 31, 32, 33, 36, 37, 38, 39, 40, 43 |

### All answers for Slovakia

#### Slovenia

| Attribution   | Type           | Used in Question   |
|---|----------------|--|
| Political Parties Act (ZPolS)   | Printed source | 42, 43   |
| Election and Referendum Campaign Act (ZVRK)   | Printed source | 2, 4, 6, 10, 26, 31, 34  |
| GRECO (2009) Evaluation Report on Slovenia, Transparency of Party Funding (Theme II), GRECO | Printed source | 10, 14, 15, 16, 17, 18, 32   |
| Criminal Code, 2005   | Printed source | 29   |
| GRECO (2014), Third Evaluation Round Addendum to the Second Compliance Report on Slovenia   |                | 3, 5, 7, 9, 43   |
| UNODC Working Group on Prevention- 5th Session- 2014.                                       |                | 38   |
| Political Party Act (ZPolS-E) as amended in 2014  |                | 1, 3, 5, 7, 8, 9, 12, 13, 14, 19, 20, 21, 22, 28, 32, 35, 37, 38, 39, 40 |
| Election and Referendum Campaign Act, as amended in 2014                                    |                | 15, 16, 19, 21, 23, 25, 30, 36, 38                                       |

## All answers for Slovenia

## Solomon Islands

| Attribution  | Type              | Used in Question  |
|--|-------------------|---|
| National Parliament Electoral Provisions Act   | Printed source    | 29, 33, 34, 37, 40, 43                                    |
| Global Integrity Report (2008) Scorecard: Solomon Islands 2008. Available at <a href="http://report.globalintegrity.org/Solomon%20Islands/2008/scorecard">http://report.globalintegrity.org/Solomon%20Islands/2008/scorecard</a> | Electronic source | 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 15, 17, 31, 41 |
| National Parliament Electoral Provisions (Amendment) Act, 1997   | Printed source    | 34  |
| Political Parties Integrity Act, 2014  |                   | 19, 20, 21, 22, 27, 35, 42, 43                            |
| Political Parties Integrity Act 2014   |                   | 27, 36, 40  |

## All answers for Solomon Islands

## South Africa

| Attribution   | Type              | Used in Question                      |
|---|-------------------|---------------------------------------|
| Booyesen, S & Masterson, G (2009) South Africa, in Denis Kadima and Susan Booyesen (eds) Compendium of Elections in Southern Africa 1989-2009: 20 Years of Multiparty Democracy, EISA, Johannesburg   | Printed source    | 1, 3, 5, 7, 9, 12, 13, 14, 15, 16, 30 |
| Public Funding of Represented Political Parties Regulations, 1998   | Printed source    | 19, 20, 21, 22                        |
| Electronic Communication Act, 2005  | Printed source    | 23, 24                                |
| Lodge, T & Scheidegger, U (2005), South Africa: Country Report based on Research and Dialogue with Political Parties, International IDEA/EISA.  | Printed source    | 31, 32, 39                            |
| Public Funding of Represented Political Parties Act, 1997   | Printed source    | 31, 35, 36, 40, 41, 42, 43            |
| Electoral Act 73, 1998  | Printed source    | 29                                    |
| EISA (2011) South Africa: Political party funding. Available at <a href="http://www.eisa.org.za/WEP/souparties2.htm">http://www.eisa.org.za/WEP/souparties2.htm</a> . Updated March 2011, accessed 30 September 2011, EISA  | Electronic source | 11                                    |
| Transparency International (2010) NURU Promoting Transparency in Political Finance in Southern Africa – Comparative analysis and findings from Mozambique, Namibia, South Africa, Zambia and Zimbabwe, Transparency International Zimbabwe, <i>Transparency International</i> | Printed source    | 38                                    |

## All answers for South Africa

## Spain

| Attribution   | Type           | Used in Question   |
|---|----------------|--|
| GRECO (2009) Evaluation Report on Spain, Transparency of Party Funding (Theme II), GRECO                                | Printed source | 7, 8, 11, 15, 16, 17, 20, 21, 22, 23, 24, 25, 26, 31, 32, 33, 36, 37, 41, 42, 43 |
| Ley Orgánica 5, 1985  | Printed source | 29   |
| Organic Law 8/2007 of 4 July on the funding of Political Parties.   | Printed source | 8, 17, 25, 33, 37  |
| Nassmacher, Karl-Heinz (2009) The Funding of Party Competition, Political Finance in 25 Democracies. Nomos, Baden-Baden | Printed source | 26   |
| Organic Law 8/2007, on the funding of political parties, as modified by law 5/2012                                      |                | 5  |



Organic Law 8/2007, on the funding of political parties,  
as modified by law 3/2015

1, 3, 9, 12, 14, 35, 38, 39, 40

**All answers for Spain**

**Sri Lanka**

| Attribution  | Type              | Used in Question  |
|--|-------------------|---|
| Parliament Elections Act, No. 1 of 1981  | Printed source    | 19, 20, 21, 22, 23, 24, 25, 26, 29                        |
| Parliamentary Elections (Amendment) Act, No. 58 of 2009  | Printed source    | 35, 40, 43  |
| Global Integrity Report (2007) Scorecard: Sri Lanka 2007. Available at <a href="http://report.globalintegrity.org/Sri%20Lanka/2007/scorecard">http://report.globalintegrity.org/Sri%20Lanka/2007/scorecard</a> , accessed 2011-07-28 | Electronic source | 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 15, 17, 31, 33 |

**All answers for Sri Lanka**

**Sudan**

| Attribution   | Type          | Used in Question   |
|---|---------------|--|
| Election Law  | Electoral Act | 2, 4, 6, 8, 10, 23, 24, 25, 29, 30, 33, 34, 36, 37, 39, 40, 43 |
| Political Party Law   |               | 1, 3, 5, 9, 11, 12, 19, 26, 35, 38, 39, 40, 43                 |
| European Union Election Observation Mission (2010) Sudan; Final Report on the Executive and Legislative Elections, 2010 |               | 19   |

**All answers for Sudan**

**Suriname**

| Attribution   | Type           | Used in Question                           |
|---|----------------|--|
| Constitution, 1987  | Printed source | 35, 38                                     |
| Ryan, Selwyn, Disclosure and Enforcement of Political Party and Campaign Financing in CARICOM States in Griner, Steven & Zovatto, Daniel (ed. by) (2005), From Grassroots to the Airwaves: Paying for Political Parties and Campaigns in The Caribbean, The Organization of American States (OAS) and International IDEA, Washington D.C., OAS/IDEA | Printed source | 13, 15, 17, 19, 31, 33, 36, 37, 40, 41, 43 |
| Payne, Douglas W (2005) "Political Financing: Access of Political Parties to Media" in Griner, Steven & Zovatto, Daniel (ed. by) (2005), From Grassroots to the Airwaves: Paying for Political Parties and Campaigns in The Caribbean, The Organization of American States (OAS) and International IDEA, Washington D.C                             |                | 23, 24                                     |

**All answers for Suriname**

**Swaziland**

| Attribution  | Type           | Used in Question  |
|--|----------------|---|
| EISA (2008) Election Observer Mission, Swaziland House of Assembly Election 19 September 2008, Report No. 29, EISA | Printed source | 1, 3, 5, 7, 9, 11, 12, 13, 14, 15, 16, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 31, 32, 33, 34, 35, 36, 38, 39, 40, 41, 42, 43 |
| Elections Order, 1992  | Printed source | 29  |

**All answers for Swaziland**

**Sweden**

| Attribution   | Type           | Used in Question  |
|---|----------------|---|
| GRECO (2009) Evaluation Report on Sweden, Transparency of Party Funding (Theme II) , <i>GRECO</i>   | Printed source | 21, 22, 23, 25, 26                                      |
| Kommunallagen, 1990:900   | Printed source | 11  |
| Nassmacher, Karl-Heinz (2006) Regulation of Party Finance in Katz, Richard S & Crotty, William J (eds) Handbook of Party Politics. SAGE, London | Printed source | 33  |
| State Financial Support to Political Parties, Act 1972:625  | Printed source | 9, 10, 19, 20, 21                                       |
| Penal Code, 1999:36   | Printed source | 29  |
| The Swedish Penal Code, 1962:700  |                | 1, 2  |
| Lag (2014:105) om insyn i finansiering av partier   |                | 3, 4, 5, 6, 7, 8, 9, 10, 35, 37, 38, 39, 40, 41, 42, 43 |

#### All answers for Sweden

#### Switzerland

| Attribution  | Type           | Used in Question                                  |
|--|----------------|---|
| OSCE/ODIHR (2007) Swiss Confederation, Federal Elections 21 October 2007, OSCE/ODIHR Needs Assessment Mission Report 19-22 June 2007 , <i>OSCE/ODIHR</i>   | Printed source | 1, 3, 5, 7, 9, 13, 15, 23, 24, 28, 31, 36, 39, 41 |
| Transparency International (2008) Transparente Parteienfinanzierung in der Schweiz, Working Paper: Juni 2008, Transparency International Switzerland , <i>Transparency International</i>                   | Printed source | 1, 3, 9, 35, 36                                   |
| Département fédéral de justice et police (2011) Financement des partis politiques et des campagnes électorales, Rapport de droit comparé, 10 Juin 2011, Berne  | Printed source | 19  |
| Bundesgesetz über Bezüge und Infrastruktur der Mitglieder der eidgenössischen Räte und über die Beiträge an die Fraktionen (Parlamentsressourcengesetz, PRG) vom 18. März 1988 (Stand am 15. Oktober 2010) | Printed source | 26  |
| Transparency International (2011) Positionspapier Politikfinanzierung in der Schweiz, Transparency International Switzerland , <i>Transparency International</i>   | Printed source | 31, 33, 37  |
| Nassmacher, Karl-Heinz (2009) The Funding of Party Competition, Political Finance In 25 Democracies. Nomos, Baden-Baden  | Printed source | 19  |
| Bertelsmann Stiftung (2011) Switzerland report, Sustainable Governance Indicators 2011   | Printed source | 25  |
| Swiss Criminal Code, 1937 (Status as of 1 October 2011)  | Printed source | 29  |
| GRECO (2011) Evaluation Report on Switzerland, Transparency of Party Funding (Theme II)  |                | 10, 12, 26, 35, 36, 37, 43                        |

#### All answers for Switzerland

#### Syrian Arab Republic

| Attribution                         | Type          | Used in Question                                     |
|-------------------------------------|---------------|--|
| Election Law                        | Electoral Act | 29, 30   |
| Political Party Law                 |               | 1, 9, 13, 14, 19, 20, 21, 23, 24, 35, 39, 40, 41, 43 |
| - No information found in sources - |               | 15   |

**All answers for Syrian Arab Republic**

**Taiwan**

| Attribution   | Type           | Used in Question  |
|---|----------------|---|
| The Public Officials Election and Recall Law, 1980                | Printed source | 1, 2, 3, 4, 5, 6, 7, 8, 9, 11, 12, 13, 14, 15, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 33, 34, 36, 39, 42, 43 |
| Enforcement Rules of Public Service Election and Recall Law, 1980 | Printed source | 9, 10, 35, 36, 37, 38, 39, 40, 41   |

**All answers for Taiwan**

**Tajikistan**

| Attribution   | Type           | Used in Question  |
|---|----------------|---|
| Law of the Republic of Tajikistan on Political Parties, 1998  | Printed source | 1, 3, 5, 7, 9, 12, 19, 20, 23, 24, 26, 35, 38, 39, 43     |
| Constitutional Law of the Republic of Tajikistan, On Elections to the Majlisi Oli of the Republic of Tajikistan, 1999   | Printed source | 8, 23, 24, 25, 26, 29, 30, 31, 33, 36, 37, 38, 39, 40, 41 |
| OSCE/ODIHR (2010) Republic of Tajikistan, Parliamentary Elections 28 February 2010, OSCE/ODIHR Election Observation Mission, Preliminary Statement , OSCE/ODIHR | Printed source | 19, 20, 21, 22, 23, 24, 25                                |
| Constitutional Law of the Republic of Tajikistan, On the Election of the President of the Republic of Tajikistan, 1994  | Printed source | 2, 4, 12, 25, 26, 29                                      |
| OSCE/ODIHR (2006) Republic of Tajikistan Presidential Election 6 November 2006, OSCE/ODIHR Election Observation Mission Report , OSCE/ODIHR                     | Printed source | 25  |
| Constitutional Law on Elections to the Majlisi Oli of the Republic of Tajikistan, as amended July 26, 2014  |                | 1, 2, 3, 4, 5, 6, 9, 10, 11, 12, 15, 16, 17, 18, 43       |

**All answers for Tajikistan**

**Tanzania, United Republic of**

| Attribution  | Type           | Used in Question  |
|--|----------------|---|
| Political Parties Act, Cap. 258 R.E. 2002  | Printed source | 1, 2, 5, 7, 13, 13, 19, 20, 21, 22, 35, 38, 43  |
| The Election Expenses Act, 2010  | Printed source | 1, 2, 3, 4, 6, 8, 9, 10, 11, 15, 16, 25, 29, 31, 32, 33, 34, 36, 37, 38, 39, 40, 41, 42, 43 |
| The National Elections Act, Cap. 343   | Printed source | 23, 24, 30  |
| European Union Election Observation Mission (2010) Tanzania, Final Report, General Elections, October 2010 | Printed source | 19  |

**All answers for Tanzania, United Republic of**

**Thailand**

| Attribution   | Type           | Used in Question  |
|---|----------------|---|
| Thailand Electoral Law                                  | Printed source | 29, 30, 31, 32, 33, 34, 36, 37                                      |
| Constitution of The Kingdom of Thailand, B.E 2557, 2005 | Printed source | 41  |
| Organic Act on Political Parties, B.E 2550, 2007        |                | 1, 5, 9, 11, 12, 19, 20, 21, 22, 23, 24, 26, 35, 38, 39, 40, 42, 43 |

**All answers for Thailand**

## Timor-Leste

| Attribution  | Type           | Used in Question   |
|--|----------------|--|
| Law on Election to the National Parliament, No. 6/2006, Law on the Election of the President of the Republic, No. 7/2006   | Printed source | 2, 4, 6, 8, 10, 17, 27, 28, 33, 36, 37                         |
| Legal Regime for the Financing of Political Parties, No. 6/2008  | Printed source | 1, 3, 5, 9, 19, 20, 21, 22, 26, 28, 35, 38, 39, 40, 41, 42, 43 |
| Law on Political Parties, No. 3/2004   | Printed source | 1, 7, 11, 12, 28   |
| European Union Election Observation Mission (2007) Democratic Republic of Timor Leste, Final Report Presidential and Parliamentary Elections, April, May and June 2007, <i>European Union Election Observation Mission</i> | Printed source | 13, 15, 23, 25, 31   |
| Chinaud, Juliette (2007) A Gender Perspective audit of the 2007 Parliamentary Elections of Timor-Leste, UNMIT, Dili  | Printed source | 27, 28   |
| Law on the Election of Suco Chiefs and Suco Councils, 2004   | Printed source | 29, 30, 43   |

### All answers for Timor-Leste

## Togo

| Attribution  | Type           | Used in Question   |
|--|----------------|--|
| Loi No. 2009-018 du 24 aout 2009 portant Code Electoral  | Printed source | 23, 24, 25, 26, 29, 30, 31, 32, 33, 34, 36, 37, 38, 40, 41, 42, 43 |
| Loi No. 91-97 du 12 avril 1991 portant Charte des Partis politiques  | Printed source | 1, 19, 20, 26, 35, 39, 40  |
| Union Européenne (2010) Togo, Rapport final sur les élections présidentielle du mars 2010  | Printed source | 20   |
| Decret numero 2007-073/PR du 06 juin 2007 fixant le montant du cautionnement a verser pour les elections legislatives anticipees |                | 28   |
| Loi PORTANT FINANCEMENT PUBLIC DES PARTIS POLITIQUES ET DES CAMPAGNES ELECTORALES 2013   |                | 21, 27, 35, 36, 37, 43   |

### All answers for Togo

## Tonga

| Attribution  | Type              | Used in Question                                |
|--|-------------------|---|
| Electoral Act, 1989  | Printed source    | 29, 33, 34, 37, 40, 43                          |
| Ministry of Information and Communcations, Tonga Government Portal, Election 2010. Available at <a href="http://www.mic.gov.to/election">http://www.mic.gov.to/election</a> . Published N/A, Accessed 15 August 2011 | Printed source    | 1, 3, 5, 7, 9                                   |
| Transparency International (2004) National Integrity System, Transparency International Country Study Report, Tonga 2004, <i>Transparency International</i>  | Printed source    | 1   |
| Global Integrity Report (2008) Scorecard: Tonga 2008. Available at <a href="http://report.globalintegrity.org/Tonga/2008/scorecard">http://report.globalintegrity.org/Tonga/2008/scorecard</a>                       | Electronic source | 1, 2, 4, 5, 6, 7, 8, 10, 11, 12, 13, 15, 17, 31 |

### All answers for Tonga

## Trinidad and Tobago

| Attribution  | Type           | Used in Question                       |
|--|----------------|--|
| Representation of the People Act, Chapter 2:01 (updated to december 31st 2007) | Printed source | 10, 29, 33, 34, 36, 37, 38, 39, 40, 43 |

|   |                |                               |
|---|----------------|-------------------------------|
| Ryan, Selwyn, Disclosure and Enforcement of Political Party and Campaign Financing in CARICOM States in Griner, Steven & Zovatto, Daniel (ed. by) (2005), From Grassroots to the Airwaves: Paying for Political Parties and Campaigns in The Caribbean, The Organization of American States (OAS) and International IDEA, Washington D.C , OAS/IDEA | Printed source | 3, 13, 15, 17, 18, 19, 31, 35 |
| Payne, Douglas W (2005) "Political Financing: Access of Political Parties to Media" in Griner, Steven & Zovatto, Daniel (ed. by) (2005), From Grassroots to the Airwaves: Paying for Political Parties and Campaigns in The Caribbean, The Organization of American States (OAS) and International IDEA, Washington D.C                             |                | 23, 24                        |

**All answers for Trinidad and Tobago**

**Tunisia**

| Attribution  | Type           | Used in Question                         |
|--|----------------|--|
| Decree No. 87 for the year 2011  | Printed source | 5, 7, 9, 11, 12, 35, 38, 39, 41, 42, 43  |
| Decree No. 35 for the year 2011, regarding Electing the National Council   | Printed source | 10, 27, 37                               |
| Decree No. 1087 for the year 2011, regarding Controlling the Election Campaign Spending Limitation and How To Spend the Public Donations on the Election Campaign for Electing National Council Member | Printed source | 33, 34                                   |
| Carter Center, The (2012) Final Report, National Constituent Assembly Elections in Tunisia, October 23, 2011 (pre-publication version)   |                | 20, 31, 32, 41                           |
| Jouan, Barbara (2012) Assessment of the legal framework and practices related to campaign finance during the National Constituent Assembly elections. Final Report, IFES                               |                | 6, 8, 13, 14, 23, 30, 35, 36, 40, 42, 43 |
| Law on Elections and Referendums, 2014   |                | 1, 2, 19, 20                             |
| Decree Law n° 2011-35  |                | 11                                       |
| LOI ORGANIQUE RELATIVE AUX ELECTIONS ET AUX REFERENDUMS TELLE  |                | 25                                       |
| Loi organique relative aux elections et aux referendums telle (2014)   |                | 3, 4, 15, 16, 17, 18, 21                 |
| Political Party Finance Regulation: Constitutional reform after the Arab Spring: 2014. IDEA  |                | 29                                       |

**All answers for Tunisia**

**Turkey**

| Attribution   | Type           | Used in Question               |
|---|----------------|--------------------------------|
| Bertelsmann Stiftung (2011) Turkey Report, Sustainable Governance Indicators 2011   | Printed source | 23, 25, 35                     |
| Omer Faruk Genckaya (2009) Public Funding of Political Parties: The Case of Turkey in Public Funding Solutions for Political Parties in Muslim-Majority Societies, IFES, Washington | Printed source | 21, 23, 24, 25, 30, 36, 40, 41 |
| Law on Basic Provisions on Elections and Vote Registers, Law No. 298, 1961 (as amended)   | Printed source | 29                             |
| Law on Political Parties (Law 2820)   |                | 1, 3, 5, 7, 14                 |
| Constitution of Turkey  |                | 1                              |
| Istanbul Notes (2010) Turkey's opaque system of political financing. Available at   |                | 9                              |

<http://istanbulnotes.wordpress.com/2010/12/20/turkeys-opaque-system-of-political-financing/>. Published 20 December 20120, Accessed 24 August 2012

|  |   |
|--|---|
| GRECO (2010) Evaluation Report on Turkey, Transparency of Party Funding (Theme II) | 2, 4, 6, 7, 8, 10, 11, 12, 13, 14, 15, 17, 26, 31, 33, 39, 43 |
| OSCE/ODIHR needs assessment mission report on Turkey, 14 - 17 April 2015           | 20, 36  |
| GRECO (2013) Third Evaluation Round, Compliance Report.                            | 37, 38, 40  |

#### All answers for Turkey

##### Turkmenistan

| Attribution  | Type           | Used in Question                           |
|--|----------------|--|
| Law of Turkmenistan on Elections of Deputies of the Mejlis of Turkmenistan, 2008   | Printed source | 26, 29                                     |
| OSCE/ODIHR (2008) Turkmenistan, Assessment of the Election Legislation, 18 September 2008  | Printed source | 2, 4, 6, 8, 10, 15, 17, 30, 33, 35, 36, 37 |
| OSCE/ODIHR (2007) Republic of Turkmenistan, Presidential Election 11 February 2007, OSCE/ODIHR Needs Assessment Mission Report, OSCE/ODIHR | Printed source | 25   |
| Law of Turkmenistan on Elections of the President of Turkmenistan, 2011  | Printed source | 25, 26, 29, 30, 41                         |
| Law of Turkmenistan on Political Parties, 2012   |                | 1, 3, 5, 7, 9, 11, 12, 19, 23, 24, 43      |
| OSCE/ODIHR (2012) Turkmenistan Assessment of the Electoral Legislation, 23 July 2012   |                | 10, 19, 25                                 |

#### All answers for Turkmenistan

##### Tuvalu

| Attribution   | Type           | Used in Question          |
|---|----------------|---------------------------|
| Electoral Provisions (Parliament) Ordinance   | Electoral Act  | 29                        |
| Transparency International (2004) National Integrity System, Transparency International Country Study Report, Tuvalu 2004, Transparency International | Printed source | 1, 3, 5, 7, 9, 13, 15, 31 |

#### All answers for Tuvalu

##### Uganda

| Attribution   | Type           | Used in Question                              |
|---|----------------|---|
| The Political Parties and Organisations Act, 2010   | Printed source | 9, 13, 14, 21, 22, 26, 35, 38, 39, 40, 41, 43 |
| Presidential Elections Act, 2005  | Printed source | 2, 10, 29, 37, 43                             |
| Parliamentary Elections Act, 2005   | Printed source | 11, 25, 30                                    |
| Ssenkumba, John, Political Party Financing in Uganda, Friedrich Ebert Stiftung  | Printed source | 31  |
| Ssemogerere, Paul (2010) Reality Check, Political Party Financing in Uganda. Konrad Adenauer Stiftung   | Printed source | 4, 5, 6, 7, 8, 12, 20                         |
| European Union Election Observation Mission (2011) Uganda, Final Report, General Elections, 18 February 2011, European Union Election Observation Mission | Printed source | 17, 30, 33, 36, 37, 38                        |
| Constitution of Uganda, 1995  | Printed source | 25  |
| The Political Parties and Organisations Act, 2005   | Printed source | 1   |

#### All answers for Uganda

## Ukraine

| Attribution  | Type           | Used in Question  |
|--|----------------|---|
| Law on Political Parties   | Printed source | 1, 3, 5, 7, 9, 11, 12, 35, 38, 40                           |
| Law on Elections of People's Deputies of Ukraine   | Printed source | 18, 37, 38  |
| Kovryzhenko, Denys (2010) Regulation of Political Parties in Ukraine, Agency for Legislative Initiatives & OSCE/ODIHR  | Printed source | 2, 3, 4, 6, 7, 8, 9, 10, 13, 17, 18, 25, 26, 31, 39, 42, 43 |
| Tax Code of Ukraine (2010)   |                | 26  |
| Criminal Code  |                | 43  |
| Ohman, Magnus (2012 forthcoming) Regulations of Parliamentary campaign finance in Ukraine  |                | 31, 33  |
| Ukraine Central Election Commission Resolution 123, Dated July 25, 2012  |                | 39  |
| European Commission for Democracy Through Law, OSCE ODIHR (October 2015) Joint Opinion on the Draft Amendments to Some Legislative Acts Concerning Prevention of and Fight Against Political Corruption of Ukraine   |                | 19  |
| European Commission for Democracy Through Law, OSCE Office for Democratic Institutions and Human Rights (October 2015) Joint Opinion on the Draft Amendments to Some Legislative Acts Concerning Prevention of and Fight Against Political Corruption of Ukraine |                | 20  |
| GRECO (December 2015) Third Interim Compliance Report on Ukraine: "Incriminations (ETS 173 and 191, GPC 2)", "Transparency of Party Funding"   |                | 9, 15, 21, 35, 36, 41, 42, 43                               |
| International Foundation for Electoral Systems (IFES) (2016)   |                | 27  |
| Law on Elections of the People's Deputies of Ukraine, as amended in 2014   |                | 1, 2, 4, 10, 11, 12, 23, 24, 25, 26, 29, 30, 36, 37, 38, 40 |

## All answers for Ukraine

## United Kingdom

| Attribution  | Type              | Used in Question  |
|--|-------------------|---|
| GRECO (2008) Evaluation Report on the United Kingdoms on Transparency of Party Funding (Theme II), GRECO   | Printed source    | 3, 7, 12, 13, 15, 19, 23, 25, 26, 27, 31, 40, 41              |
| Political Parties, Elections and Referendums Act, 2000   | Printed source    | 1, 2, 3, 4, 5, 6, 7, 8, 9, 11, 12, 22, 30, 31, 32, 35, 36, 39 |
| The UK Electoral Commission Website, <a href="http://www.electoralcommission.org.uk/faq/voting-and-registration/who-can-register-to-vote">http://www.electoralcommission.org.uk/faq/voting-and-registration/who-can-register-to-vote</a> , Published N/A, accessed 24 July 2011. | Electronic source | 12  |
| Representation of the People Act, 1983   | Printed source    | 2, 4, 6, 8, 10, 12, 26, 29, 33, 34, 37                        |
| The Electoral Commission; Overview of Donations to Candidates  | Printed source    | 1, 4, 8, 9, 40  |
| Library of Congress: Campaign Finance - United Kingdom   | Printed source    | 17  |
| Kelly, Richard (2011) Short Money. House of Commons Library, Standard Note: SN/PC/1663   | Printed source    | 19, 20, 21, 22  |
| The Electoral Commission (2011) Public funding for parties. Available at <a href="http://www.electoralcommission.org.uk/party-finance/public_funding">http://www.electoralcommission.org.uk/party-finance/public_funding</a> , Published N/A, Accessed 10/11/2011                | Electronic source | 19, 20  |
| The Electoral Commission (2011) Party finance. Available at <a href="http://www.electoralcommission.org.uk/party-finance">http://www.electoralcommission.org.uk/party-finance</a> , Published N/A,   | Electronic source | 38  |

Accessed 10/11/2011

|  |                   |    |
|--|-------------------|----|
| The Electoral Commission (2010) Enforcement policy, December 2010  | Printed source    | 41 |
| Parliament UK (2011) Parliamentary Commissioner for Standards. Available at <a href="http://www.parliament.uk/pcs">http://www.parliament.uk/pcs</a> , Published N/A, Accessed 10/11/2011   | Electronic source | 42 |
| The Independent Parliamentary Standards Authority (2011) Website. Available at <a href="http://www.parliamentarystandards.org.uk/Pages/default.aspx">http://www.parliamentarystandards.org.uk/Pages/default.aspx</a> , Published N/A, Accessed 10/11/2011  | Electronic source | 42 |
| Committee on Standards In Public Life (2011) Annual Report 2010-11, September 2011   | Printed source    | 42 |
| The Electoral Commission (2011) Sanctions. Available at <a href="http://www.electoralcommission.org.uk/party-finance/enforcement/sanctions">http://www.electoralcommission.org.uk/party-finance/enforcement/sanctions</a> , Published N/A, Accessed 10/11/2011                                       | Electronic source | 43 |
| The Elections (Policy Development Grants Scheme) Order 2006  |                   | 21 |
| General Election Guidance 2010, Cabinet Office   |                   | 30 |
| Broadcast Liaison Group, "Party Election Broadcasts; The BBC's criteria for allocation – 3 May 2012" Available at <a href="http://www.broadcastersliaisongroup.org.uk/criteria_may2012.html">http://www.broadcastersliaisongroup.org.uk/criteria_may2012.html</a> , Published N/A, Accessed 6/3/2012 |                   | 24 |

**All answers for United Kingdom**

**United States**

| Attribution  | Type              | Used in Question   |
|--|-------------------|--|
| United States Code, Title 2, The Congress  | Printed source    | 1, 2, 3, 4, 5, 6, 7, 8, 10, 12, 31, 32, 35, 36, 37, 38, 39, 40, 41, 42, 43 |
| Federal Election Commission (2011) The FEC and the Federal Campaign Finance Law,. Available at <a href="http://www.fec.gov/pages/brochures/fecfeca.shtml#Contribution_Limits">http://www.fec.gov/pages/brochures/fecfeca.shtml#Contribution_Limits</a> . Published February 2011, Accessed 1/12/2011 | Electronic source | 15   |
| United States Code, Title 18, Crimes and Criminal Procedure  | Printed source    | 29   |
| United States Code, Title 26, Internal Revenue Code  | Printed source    | 19, 21, 26, 33, 43   |
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| Federal Election Commission (2011) Public Funding of Presidential Elections, Available at <a href="http://www.fec.gov/pages/brochures/pubfund.shtml">http://www.fec.gov/pages/brochures/pubfund.shtml</a> , Published February 2011, Accessed 1/11/2011  | Electronic source | 22   |
| US Office of Special Council (2011) Further Restricted Employees. Available at <a href="http://www.osc.gov/haFederalFurtherRestrictionandActivities.htm">http://www.osc.gov/haFederalFurtherRestrictionandActivities.htm</a> , Published 13/09/2011, Accessed 10/11/2011                             | Electronic source | 30   |
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| Oxenford, David (2009) Political Broadcasting Answering Your Questions on the FCC's Rules and Policies. Davis-Wright Tremaine LL, Washington   | Printed source    | 25   |
| The Oyez Project at IIT Chicago-Kent College of Law (2011) COLORADO REP FED CAMPAIGN COMM v. FEC. Available at <a href="http://www.oyez.org/cases/1990-1999/1995/1995_95_489">http://www.oyez.org/cases/1990-1999/1995/1995_95_489</a> . Published 4/11/2011, Accessed 10/11/2011                    | Electronic source | 31, 32   |
| Federal Campaign Finance Laws  | Printed source    | 11   |
| Federal Election Commission (2011) Quick Answers to Public Funding Questions. Available at <a href="http://fec.gov/ans/answers_public_funding.shtml">http://fec.gov/ans/answers_public_funding.shtml</a> .   | Electronic source | 21   |



|  |                    |
|--|--------------------|
| Federal Election Commission, Contributions Brochure.   | 9                  |
| Individuals and Corporation can start or donate to a Super PAC and remain anonymous. A Super PAC's donors can remain totally anonymous as there is no law stating they must disclose their donors. | 9                  |
| Federal Election Commission  | 13, 14, 15, 17, 18 |
| Federal Election Commission: Public Funding of Presidential Elections Brochure   | 20                 |

## All answers for United States

## Uruguay

| Attribution   | Type           | Used in Question  |
|---|----------------|---|
| Ley No. 18.845 de Partidos Políticos, 2009  | Printed source | 1, 2, 5, 6, 7, 8, 9, 10, 12, 13, 14, 15, 16, 17, 18, 20, 21, 26, 35, 36, 37, 38, 39, 40, 41, 42, 43 |
| Ley No. 17.045 de Partidos Políticos (sobre publicidad electoral), 1998   | Printed source | 23, 24, 25  |
| Ley 7.812, Ley de Elecciones, 1925 (Electoral Law).   | Printed source | 29  |
| Constitución de la República de Uruguay, 1967 (2004) (Constitution)   | Printed source | 30  |
| Chasquetti, Daniel, Financiamiento político en Uruguay, in Gutiérrez, Pablo & Zovatto, Daniel (eds) (2011) Financiamientos de los partidos políticos en América Latina, IDEA/OAS/UNAM, Mexico | Printed source | 27, 28, 31, 33  |
| Expert input provided by Marcelo Rubio, Subdirector de Contaduría, Corte Electoral, October 2011  | Expert         | 4, 11, 22, 33   |
| Cost of Democracy: Essays on Political Finance in Latin America. International IDEA. 2016.  |                | 3, 20   |
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## All answers for Uruguay

## Uzbekistan

| Attribution   | Type           | Used in Question  |
|---|----------------|---|
| Law of the Republic of Uzbekistan on Financing of Political Parties, 2004   | Printed source | 1, 3, 5, 7, 9, 12, 13, 14, 15, 16, 20, 21, 22, 23, 31, 35, 36, 38, 39, 40, 41, 42, 43 |
| Law on Elections of the Oliy Majlis of the Republic of Uzbekistan, 1993   | Printed source | 2, 4, 6, 8, 10, 17, 24, 25, 26, 29, 33, 37  |
| OSCE/ODIHR (2009) Republic of Uzbekistan, Parliamentary Elections 27 December 2009, OSCE/ODIHR Election Assessment Mission, Final Report, OSCE/ODIHR        | Printed source | 2, 4, 6, 8, 10, 17, 18, 23, 24  |
| OSCE/ODIHR (2007) Republic of Uzbekistan, Presidential Election 23 December 2007, OSCE/ODIHR Limited Election Observation Mission, Final Report, OSCE/ODIHR | Printed source | 25  |
| Law of the Republic of Uzbekistan on the Election of the President of the Republic of Uzbekistan, 1991  | Printed source | 2, 4, 6, 8, 10, 11, 17, 25, 26, 33, 37  |

## All answers for Uzbekistan

## Vanuatu

| Attribution                      | Type          | Used in Question |
|----------------------------------|---------------|------------------|
| Representation of the People Act | Electoral Act | 29               |

Global Integrity Report (2007) Scorecard: Vanuatu 2007. Available at <http://report.globalintegrity.org/Vanuatu/2007/scorecard>

Electronic source

1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 15, 17, 19, 31, 33, 35, 36, 37, 39, 41, 42

### All answers for Vanuatu

#### Venezuela

| Attribution   | Type           | Used in Question                                      |
|---|----------------|---|
| Ley de Partidos Políticos, Reuniones Públicas y Manifestaciones, 1965 (Political Parties Act)   | Printed source | 1, 5, 11  |
| Reglamento No. 5 de la Ley Orgánica de Procesos Electorales en Materia de Control del Financiamiento de Campaña Electoral, 2010   | Printed source | 1, 2, 5, 6, 9, 10, 11, 12, 36, 37, 39, 40, 41, 42, 43 |
| Virtuoso, Francisco José, Financiamiento de los partidos políticos y campañas electorales en Venezuela, in Gutiérrez, Pablo & Zovatto, Daniel (eds) (2011) Financiamientos de los partidos políticos en América Latina, IDEA/OAS/UNAM, Mexico | Printed source | 3, 4, 7, 8, 13, 15, 17, 23, 25, 26, 27, 28, 38        |
| Reglamento No. 6 de la Ley Orgánica de Procesos Electorales en Materia de Propaganda durante la Campaña Electoral, 2010   | Printed source | 12, 30  |
| Ley Orgánica del Poder Electoral, 2002  | Printed source | 23, 25, 41  |
| Expert input provided by Eduardo Gutierrez, Asesor del Consejo Nacional Electoral de Venezuela, October 2011  | Expert         | 29, 31, 33, 38  |
| REPÚBLICA BOLIVARIANA DE VENEZUELA, PODER ELECTORAL, CONSEJO NACIONAL ELECTORAL   |                | 35  |
| El Tribunal Supremo de Justicia. Sala Constitucional. Decisión. Available at: <a href="http://historico.tsj.gob.ve/decisiones/scon/Mayo/780-080508-06-0785.htm">http://historico.tsj.gob.ve/decisiones/scon/Mayo/780-080508-06-0785.htm</a>   |                | 19  |

### All answers for Venezuela

#### Yemen

| Attribution   | Type           | Used in Question   |
|---|----------------|--|
| Political Party Law No. 66, 1991                        | Printed source | 1, 9, 12, 13, 14, 15, 16, 19, 20, 21, 22, 23, 35, 40, 41, 43 |
| Executive Orders for Political Parties Law No. 66, 1991 | Printed source | 24, 30, 39   |
| Election Law for Parliament, 2010                       | Printed source | 2, 4, 6, 8, 10, 17, 25, 29                                   |
| Constitution of Yemen                                   |                | 11, 30   |

### All answers for Yemen

#### Zambia

| Attribution  | Type              | Used in Question                                  |
|--|-------------------|---|
| Electoral Code of Conduct Regulations, 2006  | Printed source    | 11, 23, 24, 29, 30                                |
| EISA (2006) Zambia: Political Party funding. Available at <a href="http://www.eisa.org.za/WEP/madparties2.htm">http://www.eisa.org.za/WEP/madparties2.htm</a> . Updated August 2006, accessed 26 August 2011       | Printed source    | 13, 14, 15, 16, 18, 31, 32                        |
| Transparency International (2004) Highlights from the Transparency International Global Corruption Report 2004, Transparency International, <i>Transparency International</i>                                      | Printed source    | 19, 20, 21, 22, 39                                |
| Societies Act  | Printed source    | 35, 36, 38, 39, 40, 42                            |
| Electoral Act, 2006  | Printed source    | 43  |
| EISA (2006) Zambia: Party financial disclosure. Available at <a href="http://www.eisa.org.za/WEP/zamparties7.htm">http://www.eisa.org.za/WEP/zamparties7.htm</a> . Updated August 2006, accessed 28 September 2011 | Electronic source | 43  |
| Transparency International (2010) NURU Promoting Transparency in Political Finance in Southern Africa -  | Printed source    | 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 12, 17, 35, 36, 42 |

Comparative analysis and findings from Mozambique, Namibia, South Africa, Zambia and Zimbabwe, Transparency International Zimbabwe, *Transparency International*

Code of conduct (2011 revision)

Printed source

23, 24, 25

**All answers for Zambia**

**Zimbabwe**

| Attribution   | Type           | Used in Question   |
|---|----------------|--|
| Political Parties (Finance) Act, Chapter 2:11   | Printed source | 1, 2, 3, 4, 6, 7, 8, 10, 12, 19, 20, 21, 42, 43                              |
| Electoral Act, 2004   | Printed source | 29   |
| Zimbabwe Electoral Commission (Media Coverage of Elections) Regulations, 2008   | Printed source | 23, 24, 25   |
| Transparency International (2010) NURU Promoting Transparency in Political Finance in Southern Africa – Comparative analysis and findings from Mozambique, Namibia, South Africa, Zambia and Zimbabwe, Transparency International Zimbabwe, <i>Transparency International</i> | Printed source | 3, 4, 5, 6, 7, 8, 11, 13, 15, 17, 23, 25, 26, 30, 31, 33, 35, 36, 37, 41, 42 |

**All answers for Zimbabwe**

Add new source

Page last updated December 2, 2011



# รัฐบัญญัติว่าด้วยการก่อตั้งสมาคม

ค.ศ. 1901

## ของสาธารณรัฐฝรั่งเศส

Loi du 1er juillet 1901 relative au  
contrat d'association

หมายเหตุ กฎหมายพรกการเมืองของสาธารณรัฐฝรั่งเศสจะบัญญัติไว้รัฐธรรมนูญของสาธารณรัฐฝรั่งเศส  
ประกอบกับอยู่ในรัฐบัญญัติว่าด้วยการก่อตั้งสมาคม ค.ศ. 1901

รวบรวมโดย  
กลุ่มงานคณะกรรมการการปกครอง สำนักกรรมการ ๒  
ปฏิบัติงานด้านวิชาการและกฎหมาย  
ของคณะกรรมการร่างรัฐธรรมนูญ



**Loi du 1er juillet 1901 relative au contrat d'association**  
Version consolidée au 14 septembre 2016

► **Titre I.**

**Article 1**

L'association est la convention par laquelle deux ou plusieurs personnes mettent en commun, d'une façon permanente, leurs connaissances ou leur activité dans un but autre que de partager des bénéfices. Elle est régie, quant à sa validité, par les principes généraux du droit applicables aux contrats et obligations.

**Article 2**

Les associations de personnes pourront se former librement sans autorisation ni déclaration préalable, mais elles ne jouiront de la capacité juridique que si elles se sont conformées aux dispositions de l'article 5.

**Article 2 bis**

► Créé par LOI n°2011-893 du 28 juillet 2011 - art. 45

Les mineurs de seize ans révolus peuvent librement constituer une association.

Sous réserve d'un accord écrit préalable de leur représentant légal, ils peuvent accomplir tous les actes utiles à son administration, à l'exception des actes de disposition.

**Article 3**

Toute association fondée sur une cause ou en vue d'un objet illicite, contraire aux lois, aux bonnes moeurs, ou qui aurait pour but de porter atteinte à l'intégrité du territoire national et à la forme républicaine du gouvernement, est nulle et de nul effet.

**Article 4**

► Modifié par LOI n°2012-387 du 22 mars 2012 - art. 125

Tout membre d'une association peut s'en retirer en tout temps, après paiement des cotisations échues et de l'année courante, nonobstant toute clause contraire.

**Article 5**

► Modifié par ORDONNANCE n°2015-904 du 23 juillet 2015 - art. 1

Toute association qui voudra obtenir la capacité juridique prévue par l'article 6 devra être rendue publique par les soins de ses fondateurs.

La déclaration préalable en sera faite au représentant de l'Etat dans le département où l'association aura son siège social. Elle fera connaître le titre et l'objet de l'association, le siège de ses établissements et les noms, professions et domiciles et nationalités de ceux qui, à un titre quelconque, sont chargés de son administration. Un exemplaire des statuts est joint à la déclaration. Il sera donné récépissé de celle-ci dans le délai de cinq jours.

Lorsque l'association aura son siège social à l'étranger, la déclaration préalable prévue à l'alinéa précédent sera faite au représentant de l'Etat dans le département où est situé le siège de son principal établissement.

L'association n'est rendue publique que par une insertion au Journal officiel, sur production de ce récépissé.

Les associations sont tenues de faire connaître, dans les trois mois, tous les changements survenus dans leur administration, ainsi que toutes les modifications apportées à leurs statuts.

Ces modifications et changements ne sont opposables aux tiers qu'à partir du jour où ils auront été déclarés.

**Article 6**

► Modifié par LOI n°2014-856 du 31 juillet 2014 - art. 74

Toute association régulièrement déclarée peut, sans aucune autorisation spéciale, ester en justice, recevoir des dons manuels ainsi que des dons d'établissements d'utilité publique, acquérir à titre onéreux, posséder et administrer, en dehors des subventions de l'Etat, des régions, des départements, des communes et de leurs établissements publics :

1° Les cotisations de ses membres ;

2° Le local destiné à l'administration de l'association et à la réunion de ses membres ;

3° Les immeubles strictement nécessaires à l'accomplissement du but qu'elle se propose.

Les associations déclarées depuis trois ans au moins et dont l'ensemble des activités est mentionné au b du 1 de l'article 200 du code général des impôts peuvent en outre :

a) Accepter les libéralités entre vifs ou testamentaires, dans des conditions fixées à l'article 910 du code civil ;

b) Posséder et administrer tous immeubles acquis à titre gratuit.

Les cinquième à septième alinéas du présent article s'appliquent sans condition d'ancienneté aux associations ayant pour but exclusif l'assistance, la bienfaisance ou la recherche scientifique ou médicale déclarées avant la date de promulgation de la loi n° 2014-856 du 31 juillet 2014 relative à l'économie sociale et solidaire et qui avaient, à cette même date, accepté une libéralité ou obtenu une réponse favorable à une demande faite sur le fondement du V de l'article 111 de la loi n° 2009-526 du 12 mai 2009 de simplification et de clarification du droit et d'allègement des procédures.

**Article 7**





En cas de nullité prévue par l'article 3, la dissolution de l'association est prononcée par le tribunal de grande instance, soit à la requête de tout intéressé, soit à la diligence du ministère public. Celui-ci peut assigner à jour fixe et le tribunal, sous les sanctions prévues à l'article 8, ordonner par provision et nonobstant toute voie de recours, la fermeture des locaux et l'interdiction de toute réunion des membres de l'association.

### Article 8

- ▶ Modifié par Ordonnance n°2000-916 du 19 septembre 2000 - art. 3 (V) JORF 22 septembre 2000 en vigueur le 1er janvier 2002

Seront punis d'une amende prévue par le 5° de l'article 131-13 du code pénal pour les contraventions de 5è classe en première infraction, et, en cas de récidive, ceux qui auront contrevenu aux dispositions de l'article 5.

Seront punis de trois ans d'emprisonnement et de 45000 euros d'amende, les fondateurs, directeurs ou administrateurs de l'association qui se serait maintenue ou reconstituée illégalement après le jugement de dissolution.

Seront punies de la même peine toutes les personnes qui auront favorisé la réunion des membres de l'association dissoute, en consentant l'usage d'un local dont elles disposent.

### Article 9

En cas de dissolution volontaire, statutaire ou prononcée par justice, les biens de l'association seront dévolus conformément aux statuts ou, à défaut de disposition statutaire, suivant les règles déterminées en assemblée générale.

### Article 9 bis

- ▶ Créé par LOI n°2014-856 du 31 juillet 2014 - art. 71

I. - La fusion de plusieurs associations est décidée par des délibérations concordantes adoptées dans les conditions requises par leurs statuts pour leur dissolution. Lorsque la fusion est réalisée par voie de création d'une nouvelle association, le projet de statuts de la nouvelle association est approuvé par délibérations concordantes de chacune des associations qui disparaissent et il n'y a pas lieu à approbation de l'opération par la nouvelle association.

La scission d'une association est décidée dans les conditions requises par ses statuts pour sa dissolution. Lorsque la scission est réalisée par apport à une nouvelle association, le projet de statuts de la nouvelle association est approuvé par délibération de l'association scindée et il n'y a pas lieu à approbation de l'opération par la nouvelle association.

L'apport partiel d'actif entre associations est décidé par des délibérations concordantes adoptées dans les conditions requises par leurs statuts.

Les associations qui participent à l'une des opérations mentionnées aux trois premiers alinéas établissent un projet de fusion, de scission ou d'apport partiel d'actif, qui fait l'objet d'une publication sur un support habilité à recevoir des annonces légales, dans des conditions et délais fixés par voie réglementaire.

Lorsque la valeur totale de l'ensemble des apports est d'un montant au moins égal à un seuil fixé par voie réglementaire, les délibérations prévues aux trois premiers alinéas sont précédées de l'examen d'un rapport établi par un commissaire à la fusion, à la scission ou aux apports, désigné d'un commun accord par les associations qui procèdent à l'apport. Le rapport se prononce sur les méthodes d'évaluation et sur la valeur de l'actif et du passif des associations concernées et expose les conditions financières de l'opération. Pour l'exercice de sa mission, le commissaire peut obtenir, auprès de chacune des associations, communication de tous documents utiles et procéder aux vérifications nécessaires.

II. - La fusion ou la scission entraîne la dissolution sans liquidation des associations qui disparaissent et la transmission universelle de leur patrimoine aux associations bénéficiaires, dans l'état où il se trouve à la date de réalisation définitive de l'opération. L'apport partiel d'actif n'entraîne pas la dissolution de l'association qui apporte une partie de son actif.

Les membres des associations qui disparaissent acquièrent la qualité de membres de l'association résultant de la fusion ou de la scission.

Les articles L. 236-14, L. 236-20 et L. 236-21 du code de commerce sont applicables aux fusions ou aux scissions d'associations.

III. - Sauf stipulation contraire du traité d'apport, la fusion, la scission ou l'apport partiel d'actif prend effet :

1° En cas de création d'une ou de plusieurs associations nouvelles, à la date de publication au Journal officiel de la déclaration de la nouvelle association ou de la dernière d'entre elles ;

2° Lorsque l'opération entraîne une modification statutaire soumise à une approbation administrative, à la date d'entrée en vigueur de celle-ci ;

3° Dans les autres cas, à la date de la dernière délibération ayant approuvé l'opération.

IV. - Lorsqu'une association bénéficiant d'une autorisation administrative, d'un agrément, d'un conventionnement ou d'une habilitation participe à une fusion, à une scission ou à un apport partiel d'actif et qu'elle souhaite savoir si l'association résultant de la fusion ou de la scission ou bénéficiaire de l'apport bénéficiera de l'autorisation, de l'agrément, du conventionnement ou de l'habilitation pour la durée restant à courir, elle peut interroger l'autorité administrative, qui se prononce sur sa demande :

1° Si elles existent, selon les règles prévues pour autoriser la cession de l'autorisation, de l'agrément, du conventionnement ou de l'habilitation ;



2° Dans les autres cas, dans les conditions et délais prévus pour accorder l'autorisation, l'agrément, le conventionnement ou l'habilitation.

Le présent IV n'est pas applicable à la reconnaissance d'utilité publique.

V. - Un décret en Conseil d'Etat fixe les modalités d'application du présent article.

## ▶ Titre II.

### Article 10

▶ Modifié par Loi n°87-571 du 23 juillet 1987 - art. 17 JORF 24 juillet 1987

Les associations peuvent être reconnues d'utilité publique par décret en Conseil d'Etat à l'issue d'une période probatoire de fonctionnement d'une durée au moins égale à trois ans.

La reconnaissance d'utilité publique peut être retirée dans les mêmes formes.

La période probatoire de fonctionnement n'est toutefois pas exigée si les ressources prévisibles sur un délai de trois ans de l'association demandant cette reconnaissance sont de nature à assurer son équilibre financier.

### Article 11

▶ Modifié par LOI n°2014-856 du 31 juillet 2014 - art. 76

Les associations reconnues d'utilité publique peuvent faire tous les actes de la vie civile qui ne sont pas interdits par leurs statuts.

Les actifs éligibles aux placements des fonds de ces associations sont ceux autorisés par le code de la sécurité sociale pour la représentation des engagements réglementés des institutions et unions exerçant une activité d'assurance.

Les associations reconnues d'utilité publique peuvent accepter les libéralités entre vifs et testamentaires, dans les conditions fixées à l'article 910 du code civil.

### Article 12

▶ Modifié par LOI n°2014-856 du 31 juillet 2014 - art. 71

La dissolution sans liquidation de l'association reconnue d'utilité publique qui disparaît du fait d'une fusion ou d'une scission est approuvée par décret en Conseil d'Etat. Ce même décret abroge le décret de reconnaissance d'utilité publique de l'association absorbée.

## ▶ Titre III.

### Article 13

Toute congrégation religieuse peut obtenir la reconnaissance légale par décret rendu sur avis conforme du Conseil d'Etat ; les dispositions relatives aux congrégations antérieurement autorisées leur sont applicables.

La reconnaissance légale pourra être accordée à tout nouvel établissement congréganiste en vertu d'un décret en Conseil d'Etat.

La dissolution de la congrégation ou la suppression de tout établissement ne peut être prononcée que par décret sur avis conforme du Conseil d'Etat.

### Article 14 (abrogé)

### Article 15

▶ Modifié par Décret n°2004-1159 du 29 octobre 2004 - art. 19 (V) JORF 31 octobre 2004 en vigueur le 1er janvier 2005

Toute congrégation religieuse tient un état de ses recettes et dépenses ; elle dresse chaque année le compte financier de l'année écoulée et l'état inventorié de ses biens meubles et immeubles.

La liste complète de ses membres, mentionnant leur nom de famille, ainsi que le nom sous lequel ils sont désignés dans la congrégation, leur nationalité, âge et lieu de naissance, la date de leur entrée, doit se trouver au siège de la congrégation.

Celle-ci est tenue de représenter sans déplacement, sur toute réquisition du préfet à lui même ou à son délégué, les comptes, états et listes ci-dessus indiqués.

Seront punis des peines portées au paragraphe 2 de l'article 8 les représentants ou directeurs d'une congrégation qui auront fait des communications mensongères ou refusé d'obtempérer aux réquisitions du préfet dans les cas prévus par le présent article.

### Article 16 (abrogé)

### Article 17

Sont nuls tous actes entre vifs ou testamentaires, à titre onéreux ou gratuit, accomplis soit directement, soit par personne interposée, ou toute autre voie indirecte, ayant pour objet de permettre aux associations légalement ou illégalement formées de se soustraire aux dispositions des articles 2, 6, 9, 11, 13, 14 et 16.

La nullité pourra être prononcée soit à la diligence du ministère public, soit à la requête de tout intéressé.

### Article 18

Les congrégations existantes au moment de la promulgation de la présente loi, qui n'auraient pas été antérieurement autorisées ou reconnues, devront, dans le délai de trois mois, justifier qu'elles ont fait les diligences nécessaires pour se conformer à ses prescriptions.

A défaut de cette justification, elles sont réputées dissoutes de plein droit. Il en sera de même des congrégations auxquelles l'autorisation aura été refusée.

La liquidation des biens détenus par elles aura lieu en justice. Le tribunal, à la requête du ministère public, nommera, pour y procéder, un liquidateur qui aura pendant toute la durée de la liquidation tous les pouvoirs d'un administrateur séquestre.



Le tribunal qui a nommé le liquidateur est seul compétent pour connaître, en matière civile, de toute action formée par le liquidateur ou contre lui.

Le liquidateur fera procéder à la vente des immeubles suivant les formes prescrites pour les ventes de biens de mineurs.

Le jugement ordonnant la liquidation sera rendu public dans la forme prescrite pour les annonces légales.

Les biens et valeurs appartenant aux membres de la congrégation antérieurement à leur entrée dans la congrégation, ou qui leur seraient échus depuis, soit par succession ab intestat en ligne directe ou collatérale, soit par donation ou legs en ligne directe, leur seront restitués.

Les dons et legs qui leur auraient été faits autrement qu'en ligne directe pourront être également revendiqués, mais à charge par les bénéficiaires de faire la preuve qu'ils n'ont pas été les personnes interposées prévues par l'article 17.

Les biens et valeurs acquis, à titre gratuit et qui n'auraient pas été spécialement affectés par l'acte de libéralité à une oeuvre d'assistance pourront être revendiqués par le donateur, ses héritiers ou ayants droit, ou par les héritiers ou ayants droit du testateur, sans qu'il puisse leur être opposé aucune prescription pour le temps écoulé avant le jugement prononçant la liquidation.

Si les biens et valeurs ont été donnés ou légués en vue de gratifier non les congréganistes, mais de pourvoir à une oeuvre d'assistance, ils ne pourront être revendiqués qu'à charge de pourvoir à l'accomplissement du but assigné à la libéralité.

Toute action en reprise ou revendication devra, à peine de forclusion, être formée contre le liquidateur dans le délai de six mois à partir de la publication du jugement. Les jugements rendus contradictoirement avec le liquidateur, et ayant acquis l'autorité de la chose jugée, sont opposables à tous les intéressés.

Passé le délai de six mois, le liquidateur procédera à la vente en justice de tous les immeubles qui n'auraient pas été revendiqués ou qui ne seraient pas affectés à une oeuvre d'assistance.

Le produit de la vente, ainsi que toutes les valeurs mobilières, sera déposé à la Caisse des dépôts et consignations. L'entretien des pauvres hospitalisés sera, jusqu'à l'achèvement de la liquidation, considéré comme frais privilégiés de liquidation.

S'il n'y a pas de contestation ou lorsque toutes les actions formées dans le délai prescrit auront été jugées, l'actif net est réparti entre les ayants droit.

Le décret visé par l'article 20 de la présente loi déterminera, sur l'actif resté libre après le prélèvement ci-dessus prévu, l'allocation, en capital ou sous forme de rente viagère, qui sera attribuée aux membres de la congrégation dissoute qui n'auraient pas de moyens d'existence assurés ou qui justifieraient avoir contribué à l'acquisition des valeurs mises en distribution par le produit de leur travail personnel.

#### **Article 19 (abrogé)**

- ▶ Abrogé par Loi n°92-1336 du 16 décembre 1992 - art. 323 (V) JORF 23 décembre 1992 en vigueur le 1er mars 1994

#### **Article 20**

Un décret déterminera les mesures propres à assurer l'exécution de la présente loi.

#### **Article 21**

Sont abrogés les articles 291, 292, 293 du code pénal, ainsi que les dispositions de l'article 294 du même code relatives aux associations ; l'article 20 de l'ordonnance du 5-8 juillet 1820 ; la loi du 10 avril 1834 ; l'article 13 du décret du 28 juillet 1848 ; l'article 7 de la loi du 30 juin 1881 ; la loi du 14 mars 1872 ; le paragraphe 2, article 2, de la loi du 24 mai 1825 ; le décret du 31 janvier 1852 et, généralement, toutes les dispositions contraires à la présente loi.

Il n'est en rien dérogé pour l'avenir aux lois spéciales relatives aux syndicats professionnels, aux sociétés de commerce et aux sociétés de secours mutuels.

#### **Article 21 bis**

- ▶ Modifié par LOI n°2014-856 du 31 juillet 2014 - art. 96 (V)
- ▶ Modifié par ORDONNANCE n°2015-904 du 23 juillet 2015 - art. 14 (V)

I.-La présente loi est applicable dans les collectivités d'outre-mer régies par l'article 74 de la Constitution et en Nouvelle-Calédonie, à l'exception de son article 18 et sous réserve des dispositions suivantes :

II.-Pour l'application de la présente loi à Saint-Barthélemy, à Saint-Martin et à Saint-Pierre-et-Miquelon :

1° A l'article 5, la référence au représentant de l'Etat dans le département est remplacée par la référence au représentant de l'Etat dans la collectivité territoriale ;

2° A l'article 6, les mots : " des régions, des départements " sont remplacés par les mots : " de la collectivité " ;

3° A l'article 15, la référence au préfet est remplacée par la référence au représentant de l'Etat.

III.-Pour l'application de la présente loi dans les îles Wallis et Futuna :

1° Aux articles 5 et 15, les références au représentant de l'Etat dans le département et au préfet sont remplacées par la référence à l'administrateur supérieur des îles Wallis et Futuna ;

2° A l'article 6 :

a) Les mots : " des régions, des départements, des communes " sont remplacés par les mots : " des îles Wallis et Futuna, des circonscriptions territoriales " ;

b) Après les mots : " 16 euros " sont insérés les mots : " ou à un montant équivalent en monnaie locale " ;

3° A l'article 7, la référence au tribunal de grande instance est remplacée par la référence au tribunal de première instance ;

4° A l'article 8, après les mots : " 45 000 euros " sont insérés les mots : " ou d'un montant équivalent en monnaie locale " ;

5° A l'article 11, les mots : " en titres pour lesquels est établi le bordereau de références nominatives prévu A l'article 15, la référence au préfet est remplacée par la référence à l'administrateur supérieur ;

6° (Abrogé)

7° (Abrogé)

IV.-Pour l'application de la présente loi en Polynésie française :

1° Aux articles 5 et 15, les références au représentant de l'Etat dans le département et au préfet sont remplacées par la référence au haut-commissaire de la République en Polynésie française ;

2° A l'article 6 :

a) Les mots : " des régions, des départements " sont remplacés par les mots : " de la Polynésie française " ;

b) Après les mots : " 16 euros " sont insérés les mots : " ou à un montant équivalent en monnaie locale " ;



3° A l'article 7, la référence au tribunal de grande instance est remplacée par la référence au tribunal de première instance ;

4° A l'article 8, après les mots : " 45 000 euros " sont insérés les mots : " ou d'un montant équivalent en monnaie locale " ;

5° A l'article 11, les mots : " en titres pour lesquels est établi le bordereau de références nominatives prévu à l'article 55 de la loi n° 87-416 du 17 juin 1987 sur l'épargne " sont supprimés ;

6° A l'article 15, la référence au préfet est remplacée par la référence au haut-commissaire de la République.

V.-Pour l'application de la présente loi en Nouvelle-Calédonie :

1° Aux articles 5 et 15, les références au représentant de l'Etat dans le département et au préfet sont remplacées par la référence au haut-commissaire de la République en Nouvelle-Calédonie ;

2° A l'article 6 :

a) Les mots : " des régions, des départements " sont remplacés par les mots : " de la Nouvelle-Calédonie ou de ses provinces " ;

b) Après les mots : " 16 euros " sont insérés les mots : " ou à un montant équivalent en monnaie locale " ;

3° A l'article 7, la référence au tribunal de grande instance est remplacée par la référence au tribunal de première instance ;

4° A l'article 8, après les mots : " 45 000 euros " sont insérés les mots : " ou d'un montant équivalent en monnaie locale " ;

5° A l'article 11, les mots : " en titres pour lesquels est établi le bordereau de références nominatives prévu à l'article 55 de la loi n° 87-416 du 17 juin 1987 sur l'épargne " sont supprimés.

#### **Article 21 ter**

▶ Créé par ORDONNANCE n°2015-904 du 23 juillet 2015 - art. 14 (V)

Pour l'application de la présente loi à Mayotte :

1° A l'article 5, la référence au département est remplacée par la référence au Département de Mayotte ;

2° A l'article 6, les mots : "des régions, des départements" sont remplacés par les mots : "du Département".

### ▶ Titre IV : Des associations étrangères. (abrogé)

#### **Article 22 (abrogé)**

▶ Abrogé par Loi 81-909 1981-10-09 JORF 10 octobre 1981 rectificatif JORF 16 octobre 1981

#### **Article 23 (abrogé)**

▶ Abrogé par Loi 81-909 1981-10-09 JORF 10 octobre 1981 rectificatif JORF 16 octobre 1981

#### **Article 24 (abrogé)**

▶ Abrogé par Loi 81-909 1981-10-09 JORF 10 octobre 1981 rectificatif JORF 16 octobre 1981

#### **Article 25 (abrogé)**

▶ Abrogé par Loi 81-909 1981-10-09 JORF 10 octobre 1981 rectificatif JORF 16 octobre 1981

#### **Article 26 (abrogé)**

▶ Abrogé par Loi 81-909 1981-10-09 JORF 10 octobre 1981 rectificatif JORF 16 octobre 1981

#### **Article 27 (abrogé)**

▶ Abrogé par Loi 81-909 1981-10-09 JORF 10 octobre 1981 rectificatif JORF 16 octobre 1981

#### **Article 28 (abrogé)**

▶ Abrogé par Loi 81-909 1981-10-09 JORF 10 octobre 1981 rectificatif JORF 16 octobre 1981

#### **Article 29 (abrogé)**

▶ Abrogé par Loi 81-909 1981-10-09 JORF 10 octobre 1981 rectificatif JORF 16 octobre 1981

#### **Article 30 (abrogé)**

▶ Abrogé par Loi 81-909 1981-10-09 JORF 10 octobre 1981 rectificatif JORF 16 octobre 1981

#### **Article 31 (abrogé)**

▶ Abrogé par Loi 81-909 1981-10-09 JORF 10 octobre 1981 rectificatif JORF 16 octobre 1981

#### **Article 32 (abrogé)**

▶ Abrogé par Loi 81-909 1981-10-09 JORF 10 octobre 1981 rectificatif JORF 16 octobre 1981

#### **Article 33 (abrogé)**

▶ Abrogé par Loi 81-909 1981-10-09 JORF 10 octobre 1981 rectificatif JORF 16 octobre 1981

#### **Article 34 (abrogé)**

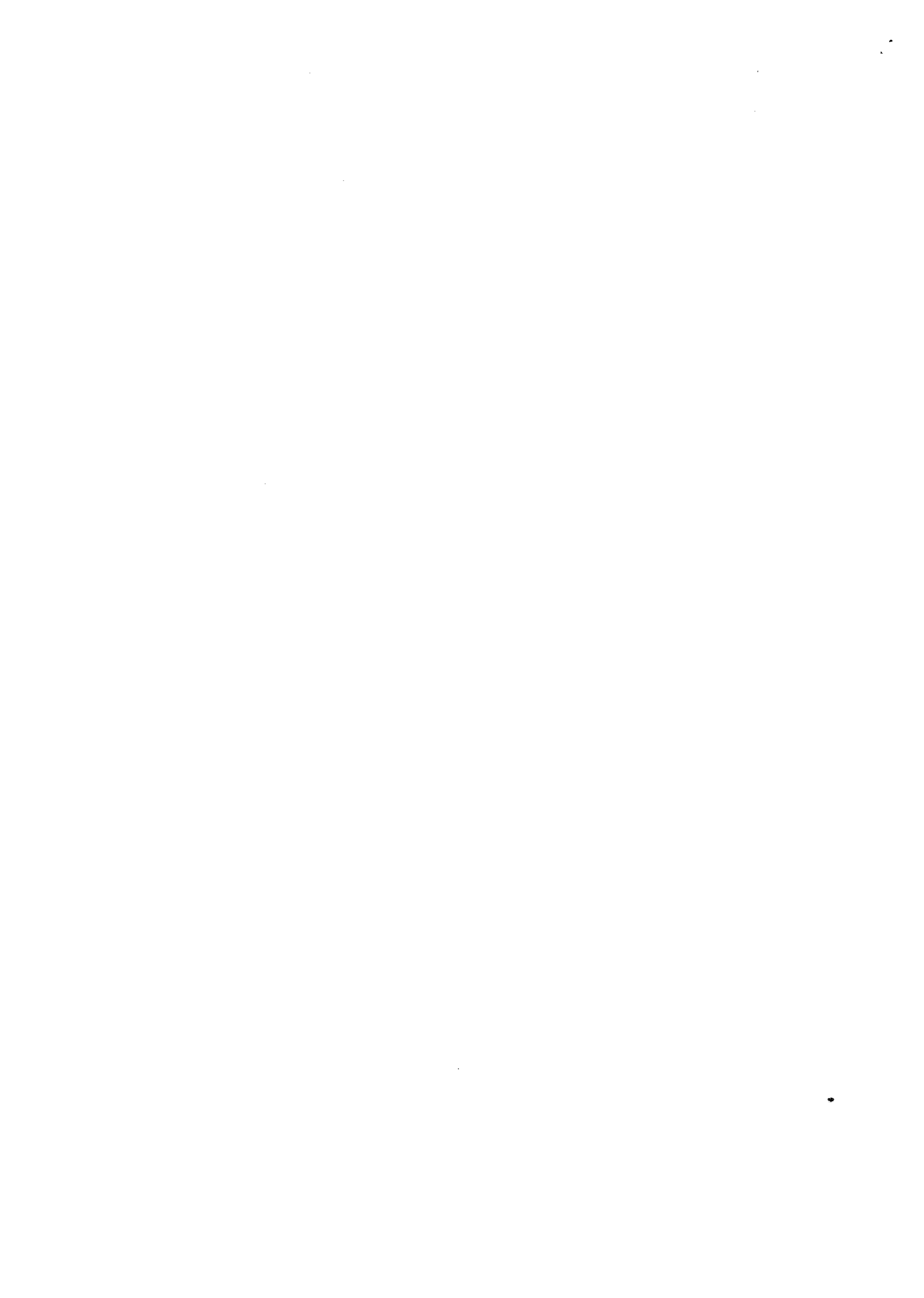
▶ Abrogé par Loi 81-909 1981-10-09 JORF 10 octobre 1981 rectificatif JORF 16 octobre 1981

#### **Article 35 (abrogé)**

▶ Abrogé par Loi 81-909 1981-10-09 JORF 10 octobre 1981 rectificatif JORF 16 octobre 1981

Par le Président de la République :

EMILE LOUBET.





Le président du conseil, ministre de l'intérieur et des cultes,

WALDECK-ROUSSEAU.



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