

Registry of Political Parties



INTEGRITY OF POLITICAL PARTIES AND CANDIDATES COMMISSION OFFICE OF THE REGISTRAR

Preparations for the 2022 National Elections, July 2021

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UNITED RESOURCES PARTY



Foreword



Preparing for the national elections in Papua New Guinea is an enormous task for everyone that are involved in this business. This would include the intending candidate's and their supporters, the political parties, the party executives, the Members of Parliament, the PNG Electoral Commission and of course the Registry of Political Parties. The media is also an important stakeholder in this process in the country.

The Registry of Political Parties since the 2012 and 2017 national elections has organized activities and programs to prepare the parties for the elections. It is doing the same for the 2022 national elections. The biggest challenges for the Registry has been the lack of funding due to the economic downturn faced by our country and of course the pandemic that has hit the global community COVID 19 including Papua New Guinea. This however has not dampen the spirit of the Registry to make sure that whatever little resources it has and with the approaching election year has put together a number of activities that would prepare the political parties for 2022.

The purpose of this booklet is to inform the stakeholders – Political Parties, Parliamentary Leaders, MPs, etc, on the preparations for the 2022 national elections and some relevant provisions of the Organic Law on the Integrity of Political Parties and Candidates that are important to note.

One of the outstanding priority activity for the Registry is the Revised Organic Law on the Integrity of Political Parties and Candidates. This revised law is now in Parliament and it is a matter of urgency to get this to the attention of the Government to put before Parliament for debate and approval. The passage of the law would ensure that the political parties would be strengthen in order to make them become strong political institutions. The behavior of the MPs would be scrutinized by their party constitution and not the Organic Law. The Organic Law will focus only on political parties and this is a real opportunity available to develop political parties in the country and to make them become strong democratic institutions.

My call to the Parliamentary Leaders of Political Parties is that you as Leaders of Political Parties must be interested in the affairs of the party. Once in a week or month make sure you give time to talk with your party executives and see what is happening with the party. Put on your party man hat and be active in your party, believe in your party and make it your business to lead the party and take time to be involved in matters concerning your party. It is evident on many fronts that Parliamentary Leaders do not take their roles seriously. The politics of this country would change once the Leaders of political parties would start taking interests in the affairs of their parties and take the lead in driving the affairs of their respective political parties.

At the same time, it is the business of the Parliamentary Leaders of Political Parties to get their executives to work to promote their respective political parties. The work on awareness and visitation to parts of the country is the business of the party executives. Coordinating and putting in place party representatives in the provinces is the business of the party executives. Lack of funding must not be an excuse because it is the responsibility of the party to raise funds to fund its activities. Taking a lacklustre approach is not in the best interest of the party. They must promote women as members and as candidates.

The political parties must be active at all times. They do not need the Registry of Political Parties to be on their backs every time to tell them what they must do. It is of their own interest to make themselves visible at all times. It is their business to travel the entire country to inform the people about themselves, it is their business to introduce their policies to the people, it is their business to enlist membership for their party, it is their business to raise funds for themselves, etc. They are the ones that will contest the election, therefore they must make it their business to mobilise support from the people.

From the Registry, the information contain in this handout would assist the parties to prepare for the 2022 national election. It also continued some of the main provisions of the OLIPPAC. This is something that Parliamentary Leaders of parties and their executives must know and be in a better position to make decisions for the party.

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Introduction

This booklet is prepared purposely to inform the parties on what is expected of them to undertake at this time when preparing for the 2022 national elections. At the same time, it contains information on the activities and programs that the Registry of Political Parties is involved with and currently rolling out as preparing for the 2022 national elections.

The relevant provisions of the *Organic Law on the Integrity of Political Parties and Candidates* (OLIPPAC) are currently enforceable and relevant excerpts are attached at Annex 1. A number of changes have been proposed to the Organic Law and amendment Bill is currently before Parliament. If those amendments are enacted by Parliament, the Registry will make it our business to inform all the relevant stakeholders on these changes.

It is in the interest of the Registry that the information provided in this booklet would be relevant and useful for the political parties and its executives to read and take note of the key components that would promote the parties and to get the parties to start preparing for the 2022 national elections.

The Registry is always on top of its agendas which is to promote political parties. The Registry has done this since 2012 and had continued to do so. In the first section of this Handbook, we have outlined the various activities we have been implementing during the current electoral cycle, but with our work mainly ramping up from April 2021. During 2020 and early 2021, the COVID19 pandemic and the various restrictions imposed by the Controller impacted our work. We have also been hampered by the lack of funding available to the Registry to conduct our activities.

Most of the work to promote political parties and to make the political parties visible is the responsibility of the parties themselves. Why form a party and expect the Registry of Political Parties to do the work for you? Party Leaders and their executives must take the responsibility to educate the people about their party and what their policies are. The Registry has been enlisting membership for parties despite it is the responsibility for the parties. The Registry has been promoting the policies of parties, despite that it is the responsibility of the parties.

The Registry is and has always been aware of its responsibilities, the parties must play their part and the Registry will only provide the direction and information required for them to conduct their responsibilities as political organisations in our country.

Recent activities of the Registry

As part of its role in preparing the political parties for the 2022 national elections, the Registry of Political Parties planned a number of activities for 2021. However, the COVID 19 restrictions have affected the initial start of these activities. Since April 2021, the Registry has started to roll out some of these activities. These activities include;

- **Political Party Expo/Road Shows:** The conduct of the Expos is part of the awareness on political parties. This is an important component of the 5-year plan for the Registry on awareness on political parties. The main reason for the awareness is to enable the people to know the parties and for them to then make informed decisions when they go to the polls to cast their votes. Their votes must give the required mandate to a party to form the government. This is important and central to our parliamentary democratic system in our country. There is no other way to this required mandate.

The first of this electoral cycle was organized by the IPPCC in Mt Hagen from 7--9 June 2020. Only 6 political parties joined the Expo – the National Party, People’s Movement for Change, People’s Democratic Movement, United Resources Party, People’s Progress Party, and Coalition for Reform Party and PNG Greens Party.

A second Political Party Expo/Road Show is being organized to be held in Kokopo from 16 - 19 August 2021. The venue is still to be confirmed. All 46 political parties will be invited to attend including their Parliamentary Leaders.

- **Capacity building for political parties:** A Learning and Development Workshop for political parties will be held on 5 August 2021 in Port Moresby. The second will be conducted in February 2022. These workshops will bring in the General Secretaries of the 46 political parties and the Registrar will be the lead facilitator. The workshops will look into issues and topics that will get the political parties to start organizing and preparing themselves for the elections in 2022 and those that would assist parties to prepare well for the campaign. Topics that will be covered would include;
 - Conduct of national convention for political parties
 - Possible endorsement of candidates and the districts. How many women would the parties support apart from the men candidates
 - Fund raising for the party for the election
 - Lessons from previous elections
 - Campaign strategies
 - Campaign branding
 - Campaign Issues
 - Preparations for the administration of the elections – Papua New Guinea Electoral Commission

- **Promoting more women as candidates:** The Registrar briefed the Parliamentary Committee on GBV in March 2021 on the proposed 5 regional seats to be reserved for women, as well as amendments to the OLIPPAC to incentivize political parties to nominate more women candidates.
- The Registry has also worked closely with UNDP over the years to support initiatives on women's political participation, notable event include the Political Party Dialogue in 2019 and the Regional Conference on Temporary Special Measures held in Port Moresby in 2015.
- Mentoring of Women Candidates – this program started in April 2021 and has covered Milne Bay, Morobe, Madang, East Sepik, Manus, West New Britain, Oro, Western Province, EHP, Chimbu, Jiwaka, and WHP. Enga, East New Britain and West Sepik will be done in June and this will be followed with the mentoring in Hela, SHP, Central, NCD and Gulf. The Registry would continue to monitor the women in the provinces before the issue of writs and after the issue of writs especially during the campaign period.
- Participation in programs organized by UNDP and UN Women in discussing and promoting the political participation of women in the country. The Registrar was part of the panel discussions in Port Moresby, Mt Hagen, Lae and the Kokopo workshops.
- **Public awareness raising:** The Registry of Political Parties in collaboration with the National Broadcasting Commission (NBC) Radio and TV will start airing programs for parties in preparation for 2022 national elections in August 2021. The Registry has had discussions with the NBC and will embark on a number of programs;
 1. Short messages to promote political parties
 2. Talk Back by the Registry
 3. Parliamentary Leaders/Executives talk back to promote their political parties. The third program is the initiative of the Registry to get Parliamentary Leaders of Political Parties to come on air and talk about their parties and the policies of their parties. A list and time for air will be given to all the Parliamentary Leaders to make time to participate in this program
- Awareness in collaboration with the Post Courier

PART 1: POLITICAL PARTY REGULATION IN PNG

Organic Law on the Integrity of Political Parties and Candidates (OLIPPAC)

OLIPPAC is the law that legislate for the existence of political parties, appointment of party executives, endorsement of candidates by the parties and the financial requirements for the parties.

Besides the National Constitution of Papua New Guinea, the Organic Law on the Integrity of Political Parties and Candidates spells out the democratic character of our political system as well as our system of government. The democratic ideals are clearly expressed to reinforce the need to establish and create a democratic society in the preamble of the Organic Law:

Key parts of the Organic Law were developed to promote a culture of loyalty by MPs which would contribute to promoting the public good of political stability. The utilitarian principle of political stability was paramount to address the high level of political instability faced by the country from 1977 to 2000.

However, key parts of the OLIPPAC were removed by the decision of the Supreme Court in 2010, in particular, provisions related to votes to install the Prime Minister and votes of no confidence. These core components of the Organic Law no longer apply, despite their relevance and importance to maintaining political stability in the political parties, the executive government and the parliament as a whole.

However, the remaining parts of the law remains operational and enforceable by the Registry. OLIPPAC still operates to encourage stronger political parties, which have vibrant memberships and accountable executives.

There may be some changes expected especially in the Revised Organic Law that is currently before Parliament. Once the Revised Organic Law is passed by Parliament then the Registry will undertake a massive awareness drive to inform the public about the changes.

Registration and oversight of political parties

One of the most important parts of the OLIPPAC was the establishment of a political party registration scheme which was aimed at encouraging political parties to establish themselves and operate as more professional, accountable and transparent organisations Under the OLIPPAC, the IPPCC, led by the Registrar, was set up as the body to oversee the registration, regulation and dissolution of political parties.

Section 27 of the OLIPPAC requires political parties to register where they:

- (a) intend to nominate a candidate for election to the Parliament; or
- (b) intend to endorse a candidate; or
- (c) intend to nominate a candidate for election to a Local-level Government.

A party that is not registered under OLIPPAC is not eligible to nominate or endorse candidate or election to the National Parliament or to receive funds from the OLIPPAC Central Fund (s.27(2)).

Registration of a political party

Section 28 of the OLIPPAC states that a political party is only eligible to register where:

- (a) its objectives, policies or platforms encourage the development of the country as one nation and do not encourage secession; and
- (b) it does not discriminate on the basis of sex, race or religion except to the extent permitted by Section 55(2) (equality of citizens) of the Constitution; and
- (c) it is incorporated under the Associations Incorporation Act (Chapter 142); and
- (d) its membership is not confined by its constitution to persons from a particular province, region or group; and
- (e) its constitution provides for a president, a secretary and a treasurer and such executive officers have been appointed or elected in accordance with its constitution;
- (f) a public officer of the party has been appointed in accordance with Section 26; and
- (g) the policies of the party do not encourage any illegal or unlawful purposes; and
- (h) it has at least 500 financial members (i) who are eligible for enrolment on the National Electoral Roll; and (ii) who are registered as financial members according to the party register; and (i) the name of the political party does not contain the word "independent".

An application for registration of a political party shall be made to the Registrar by the public officer of that political party. Section 29(3) sets out the information that should be contained in the application.

Once the application for registration is received, the Registrar shall advertise it in the national Gazette and in a national newspaper and invite objections from the public. Grounds of objection are listed in s.28 and include that the name of the party is obscene, offensive, or is so similar to an existing party it is likely to cause confusion.

The application and any objections will be submitted to the IPPC Commission for consideration as soon as possible, once the time for objections is over (ss.32 and 33), but no applications can be considered during the period from the start and end of the elections.

The notification of the Commission's decision shall be provided to the party's Public Officer, and to any objectors, in writing (s.35).

The Registrar will then add the political party to the Register of Political Parties (s.34).

Cancellation of a political party

Under section 42 of the OLIPPAC, the Commission may cancel the registration of a registered political party where-

- (a) the party is convicted of an offence under this Law or any other law that carries a penalty of a fine of K1,000.00 or more and the party fails to pay the fine imposed on it within the time fixed by the court imposing the fine for payment of the fine; or
- (b) the party or a member of the party is convicted of an offence under Section 87; or
- (c) the party no longer meets the qualifications for registration referred to in Section 28; or
- (d) the party without reasonable justification, fails to file financial returns, as required by this Law, for two consecutive years.

Where the Commission believe that grounds for cancellation of a party's registration exist, it will ask the Registrar to provide written notification to the party's Public Officer, stating the grounds for the proposed cancellation and providing at least 21 days for the party to provide ground as to why their registration should not be cancelled and/or take steps to ensure compliance with this Law (s.43).

The Commission has the power to decide on the cancellation of a party's registration. Where the decision is to cancel registration, that shall be conveyed to the Public Officer in writing and notice published in the National Gazette and in a national newspaper (s.44(2)). The Registrar shall also provide the Ombudsman Commission with the names of the executive officers and any Members of Parliament who are part of the party at the date of cancellation of its registration.

Where the registration of a political party is cancelled, the implications are serious:

- Executive officers of the party and any member of the party who is also a Member of the Parliament at the date of the cancellation shall not be permitted - for a period off four years – from forming a new political party or joining a political party formed after that date of cancellation (s.45).
- An executive officer or Member of Parliament who was responsible for the circumstances giving rise to the cancellation of its registration and/or knew of the circumstances and took no steps or insufficient steps to remedy the situation, is guilty of misconduct in office. (s.47(1) and (2)).

Once the Ombudsman Commission is notified by the Registry of a party's cancellation, the Commission shall investigate whether it is satisfied that any executive officer or Member of Parliament is guilty of misconduct in office in relation to the cancellation of the registration of the political party (s.47(3)). However, these provisions do not apply "if there are special circumstances or grounds made out by the President of a registered political party or where a registered political party has ceased to exist" (s.47(4)).

If the Ombudsman Commission is satisfied that an executive officer or MP is guilty of misconduct in office under Section 47(1) or (2), the matter shall proceed in accordance with Part V of the Organic Law on the Duties and Responsibilities of Leadership.

Dissolution of a political party

A registered political party may be dissolved where: (a) a resolution for the dissolution of the party has been agreed to by (i) an absolute majority of the members of the party; and (ii) at least 75% of the members of the party who are Members of the Parliament; and (b) all liabilities of the party have been discharged (s.50(1)).

The Public Officer shall notified by the Registrar when a party is dissolved. Where the Registrar is satisfied that the provisions of OLIPPAC have been complied with, the Registrar shall cancel the party's registration and publish a notification in the National Gazette. Where any member of the political party is also a Member of the Parliament, the Registrar shall also notify the Speaker (s.50(3)).

Amalgamation of two or more political parties

Two or more registered political parties may amalgamate where: (a) in the case of each party, a resolution for the amalgamation of the party with the other party or parties has been agreed to by (i) an absolute majority of the members of the party; and (ii) at least 75% of the members of the party who are Members of the Parliament; and (b) all liabilities of each party have been discharged or will be transferred to the amalgamated party (s.52).

The Public Officer of each party proposing to amalgamate shall immediately notify the Registrar of the proposed amalgamation. The Public Officer of the new amalgamated party shall then apply to the Registrar for registration of the amalgamated party. Where the Registrar is satisfied that OLIPPAC has been complied with, the Registrar proceed to deal with the application for registration of the amalgamated party as required by the law.

Political party executives

Section 25 of the OLIPPAC requires that every single registered political party shall have the following executive officers:

- (a) a president;
- (b) a secretary;
- (c) a treasurer; and
- (d) a Parliamentary Leader (where the party has two or more members who are Members of the Parliament).

Party executive officials are not allowed to be an employee of a public body, except for Parliamentary Leaders (s.25(2)).

The President, Secretary and Treasurer should be elected in a democratic manner, in accordance with the party's constitution. Each party member should have equal voting rights and every member should be allowed to contest if they want to (s.25(3)). Elections for the President, Secretary and Treasurer should be held at fixed intervals. A majority of party members can appoint or remove party executives during such elections (s.25(3)(d)).

The Parliamentary Leader shall be elected only by those party members who are MPs (s.25(4)). They shall be elected in a democratic manner, in accordance with the party's constitution.

The salaries and other conditions of the party President, Secretary and Treasurer shall be determined by the Salaries and Remuneration Commission and administered by the Registrar (s.25(5)).

Every political party must appoint a member of the party to be the Public Officer. This may be a party executive official or another member. The Public Office is responsible for lodging the party's registration papers, lodging financial returns, receiving notifications from the IPPCC and performing other functions under OLIPPAC (s.26(3)). Most commonly, the Secretary is also appointed as the Public Officer.

Political party members

Political parties are intended to be organisations which bring together like-minded people, who hold similar views on issues of policy or ideology and wish to use the power of their numbers to organize at election time and push for their ideas in political spaces such as the National Parliament.

Section 24 of the OLIPPAC regulates the membership of political parties. A political party cannot restrict membership of the party on the basis of sex, race, religion or place of origin (s.24(1)). A non-citizen shall not be a member of a political party (s.24(2)). A person shall not be a member of more than one political party at the same time (s.24(3)).

Political parties are encouraged to grow the membership of their party across the country, to build a broad base of supporters. Members can be helpful at election time, to support candidates with campaigning. They are also very useful for providing political party leaders with a better understanding of the real needs and priorities of the people the party seeks to represent.

Parties are encouraged to hold regular meetings with their party members, throughout the 5 years of the electoral cycle and not just at election times. These meetings can be used to inform members about what is happening in the national parliament and/or provincial assemblies and to get feedback from members.

[Fees for party members](#)

Political party members are expected to be charged fees to join the party, to demonstrate their commitment to the party's objectives and their intention to become members. Under the OLIPPAC, a person is not deemed to a member of a political party "unless all fees, dues or other payments due by him to the political party in accordance with the constitution of that political party" (s.24(4) to (7)).

This requirement regarding membership fees may become more important, because the IPPCC has proposed amendments to the OLIPPAC which would require that candidates for election are required to be fee-paying members for a minimum amount of time to be eligible to be nominated. This reform has NOT been passed yet but it is designed to ensure that political party candidates have demonstrated a commitment to the party they are representing at the election over a decent amount of time, rather than simply joining right before an election.

PART 2: POLITICAL PARTIES & ELECTIONS

Candidates and political parties

In accordance with s.40 of OLIPPAC, once the writs are issued for the election, the Registrar shall publish in the National Gazette a list of all registered political parties as soon as practicable.

[Duties of candidates for elections](#)

A candidate may contest elections to the National Parliament either as political party endorsed or as an independent (s.53), but no person shall contest both as an independent and as a political party endorsed candidate (s.54(1)).

A candidate who accepts endorsement in an election from more than one registered political party is guilty of an offence (s.56(4)).

A candidate who announces or publishes information (or knowingly gets someone else to do so) – without the authority of the party – stating that they are a candidate of a political party for an election (endorsed or otherwise) when they are not, is guilty of an offence (s.55).

Where a candidate breaches s.54 or s.56 they are guilty of an offence and could receive a fine not exceeding K 5,000.00 or go to jail for six months. Where a candidate has contested and won an election but has breached s.54 or s.56 and is subsequently found guilty, their election is null and void (ss.54(3) and 56(5)).

Political parties & candidates

Where a political party has endorsed a candidate to contest an election in an electorate, it is prohibited from providing any form of support to any other candidate in that election (s.54(2)).

A registered political party shall not endorse more than one candidate (whether male or female) in each electorate (s.56(1)). A political party which is not registered shall not endorse a candidate (s.56(2)).

Where a political party breaches s.54 or s.56, they are guilty of an offence and could receive a fine not exceeding K 5,000.00 or their officers could go to jail for six months.

Where a political party endorsed more than one candidate in the same electorate and one of those candidates wins, that candidate shall be treated as an independent under OLIPPAC.

Political party fundraising

Registered political parties can only receive funding as allowed under OLIPPAC. Funding can come from Central Fund in accordance with OLIPPAC, contributions made directly to the party and other income not inconsistent with the provisions of the law.

Both citizens and non-citizens can provide funding to a political party and a candidate, but such funding has limits. Both a citizen and non-citizen can provide up to K500,000 in any calendar year and up to K500,000 per candidate in respect of anyone election (s.79(2) s.81(2)). Citizens and non-citizens should not enter into schemes to avoid the purposes of these restrictions. Loans on ordinary terms from banks or financial institutions are not covered by these restrictions.

Any citizen or non-citizen who makes a donation to a party or candidate must notify the Registrar within 30 days (s.79(5) and s.81(5)). Any political party or candidate who receives a donation must notify the Registrar within 30 days (s.79(7)) and s.81(7)). Failure to comply can result in a fine not exceeding the amount donated.

Under s.87, where donation limits are exceeded, citizens and non-citizens may also be fined up to K 10,000 or imprisoned for a term not exceeding two years. Where a candidate accepted donations in excess of limits, they may receive a fine of K 5,000 or be imprisoned for a term not exceeding 1 year. Where a political party accepted excessive donations, they may be fined up to K 10,000. Where a political party member received donations in excess of limits, they may be fined up to K 2,000 and be imprisoned for a term not exceeding 6 months.

Where a person is convicted of an offence relating to the receipt of political donations in excess of legal limits, and they are a person to whom the Leadership Code applies, the offence amounts to misconduct in office for the purposes of the Leadership Code (s.87(6)).

Funding for parties and MPs from the Central Fund

The Central Fund was to be established under s.76 of OLIPPAC in an effort to reduce corruption in political party fundraising by providing a source of public funding for political parties which they could use to run their operations and pay for activities.

In accordance with s.77, the Central Fund can hold funds provided:

- through the National Budget, with a minimum K 10,000 provided per Member of Parliament plus other amounts to determined by the IPPCC to cover the costs of the Registry and other activities;
- by national citizens (see s.79 for more);
- by international organisations (see s.80 for more);
- by non-citizens (see s.81 for more); and
- from the proceeds of investments.

Political party and candidates' financial returns after an election

Within three months after the date fixed for the return of writs following a general election and every twelve months thereafter, the Public Officer of a political party shall lodge a financial return with the Registrar specifying: (a) details of all contributions which that political party has received; (b) details of all other receipts and income of that political party; and (c) details of all expenditure which that political party has incurred, during the period (s.88(1)).

The same reporting requirements apply to candidates who have been successful at the elections (with the deadline for the financial return extended where the election is disputed) (s.89(1)). Candidates must provide the details of the contributions they have received and details of expenditures incurred in connection with their candidature at the election.

A political party and/or a successful candidate, who fails to file a financial return as required by this section, is guilty of an offence. Fines between K2,000 and K5,000 can be imposed.

Where a political party has not filed a financial return as required by this section, each executive officer of that political party is guilty of misconduct in office under the Leadership Code (s.88(5)). Likewise, any successful candidate who fails to file a return is guilty of misconduct (s.89(5)).

Where the Registrar believes a financial return is defective or false, the return shall be referred to the Commission (s.90). If the Commission agrees with the assessment, the return is deemed not to have been filed and a fine of up to K 2,000 can be imposed.

Funding to political parties after an election

Public funding of political parties was intended to help them to run clean campaigns, as well as to support candidates who were successful in elections and became elected representatives.

Effective political parties can offer support to their parliamentary leaders, to ensure they can use their position effectively to represent the people and progress the party's manifesto.

Following an election, under s.82 of the OLIPPAC, the Commission is required to pay out funding from the Central Fund to political parties whose candidates have been successfully elected to the National Parliament. The Registry will provide each registered political party Kina 10,000 per MPs who was endorsed by the party or who subsequently joined the party (and is not a member of any other registered party).

The payments to parties will only be made by the Commission once a claim has been made in accordance with s.84 in the prescribed form and within any prescribed deadline. Importantly, (4) a political party will not be entitled to payment in the name MPs who fail to lodge their financial returns to the Registrar within the specified period.

Funding for women candidates from the Central Fund

The IPPCC and the Registry and strongly commitment to supporting the election of more women into the National Parliament Although the IPPCC and Registry are impartial and independent bodies, they are both committed to the equality principles enshrined in the PNG Constitution, including equality in relation to political participation and representation This commitment to gender equality reflects the guiding principles of the OLIPPAC which include a commitment in the Preamble to:

(b) to develop and nurture a political culture in which intrinsic values of constitutional democracy are respected and maintained; and

(c) to ensure participation of people to enhance the principle of government of the people, for the people, but more importantly, by the people.

Funding for political parties nominating women

OLIPPAC includes provisions specifically aimed at encouraging political parties to nominate more women as candidates. Specifically, in accordance with s.83:

- Where a registered political party endorses a female candidate in an election; AND
- Spends an amount as election campaign expenses on her behalf, THEN
- As long as the female candidate obtains at least 10% of the votes cast in the electorate in that election, the party is entitled to receive 75% of the K10,000 that is otherwise only payable to successful candidates.

These provisions have been rarely used to date. To be entitled to receive this funding, the Registry needs to receive paperwork requesting the reimbursement and showing that the party actually did expend funds on behalf of a female candidate.

The IPPCC strongly encourages parties to nominate more women candidates in the 2022 elections and to provide them with meaningful campaign support, in accordance with this provision. Even if candidates are not successful, s.82 can help parties to defray some of the costs of endorsing unsuccessful women candidates.

[Funding from other donors for women candidates](#)

As noted earlier, the Central Fund is able to receive funding from citizens, non-citizens, and international organisations which can be used to support the proposes of the OLIPPAC. The IPPCC strongly encourages supporters of women candidate to contribute funding to the Central Fund which can be used to support women candidates. The Registry has been exploring options for channeling specific funding to women candidates from such donations; this work could be sped up if there is interest amongst donors.

[Reforms to encourage more women candidates](#)

The IPPCC is currently advocating for reforms to the OLIPPAC, including reforms to encourage political parties to nominate more women candidates. Two approaches are being proposed:

- Introducing a requirement that all political parties MUST nominate a minimum quota of at least 10% women candidates to be eligible to run in the national elections. The proposal would mean that parties who do not nominate enough women would not be able to run any candidates at all during the election.
- Increasing the amount of funding to be reimbursed to political parties who nominate women candidates who get at least 10% of the primary vote from 75% of Kina 10,000 to 75% of Kina 20,000.

These reforms are still under discussion in Parliament. If they are enacted, the Registry will notify all public officers and run seminars to explain any changes.

[Preparing for the 2022 National Election](#)

In advance of the 2012 and 2017 national elections, the Registry of Political Parties has continuously encouraged political parties to be effective in conducting awareness throughout the country. Awareness activities should be aimed at ensuring that the people in the different parts of the country know the political party, its leaders, its history, its ideologies and its policies. The parties must make it their business to do this.

[Rules on early campaigning vs awareness-raising](#)

On the issue of early campaign, political parties are allowed to conduct awareness. They are the main players in elections and they must be allowed to conduct their business in order to make themselves visible to the people.

We have 46 registered political parties, I do expect all these 46 political parties to travel the length and breadth of this country to showcase themselves. I have been asked whether this can be interpreted as early campaign, but my response is simply no, it is not early campaign but a political party is conducting its awareness to make the people become aware of the party. Parties need to do this in order to get support through the votes from the people. This kind of activity by a political party is acceptable and cannot be interpreted as early campaign.

It is the language that is also applied, parties should not be telling the people to vote for its candidates. They must refrain from this and concentrate only on telling people about the party and educating the people about party issues that are important for the people to know.

Role of Political Party Executives

The role played by the political party executives is critical. They are the main driving force for the political parties to get the awareness and engagement programs off the ground. For many political parties, they have provincial executives of the parties in place in the provinces. These are the very people that the executives can identify and get them to start conducting awareness in the districts.

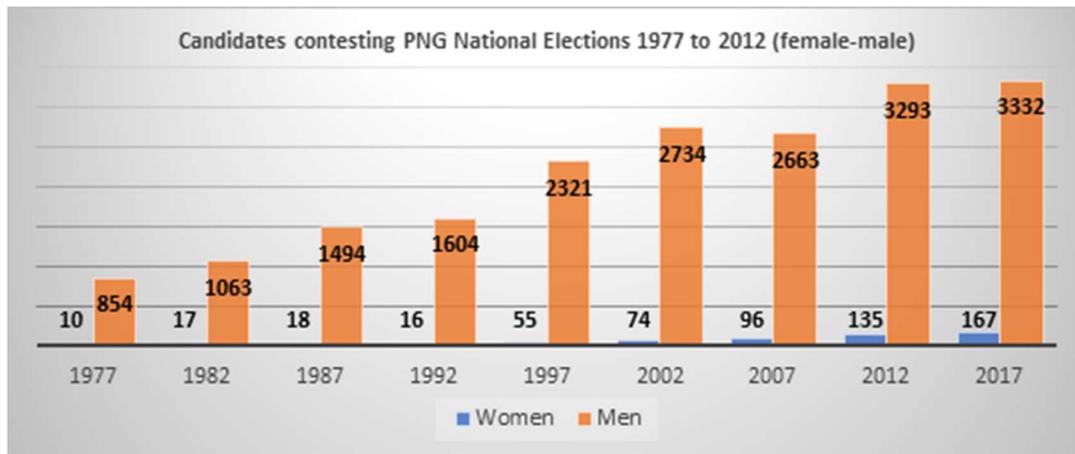
The best way to approach this is for the national executives of political parties to set up a coordination unit at the national level and then branch out to the executives in the provinces. Due to funding constraints, parties might not have branches in all the provinces so the concentration will be in provinces that the party will put up candidates. I do urge the party executives to be more pro-active in their roles and be serious about their preparations for the 2022 national elections.

Involving party members in awareness-raising

One important component of the awareness is for the political parties to enlist membership for the party. This is also one of the areas that I have encouraged political parties to do since 2012. If a party has been consistent in enlisting membership, by now we would have a clear picture of where the support of the party is from. Without membership, it can be difficult to identify the support base for political parties and that is the actual experience we have now in our country.

Reaching out to potential women candidates

The years between elections, and in particular the months before an election is called, are critical opportunities for political parties to direct specific attention towards identifying good, strong candidates. In this context, the IPPCC is concerned at the low numbers of women who contest elections, in particular, the low number of women who are endorsed by political parties. In the 2017 national elections, 167 female candidates contested, however none were elected. Although numbers are rising (see diagram below), significantly fewer women contest in national elections than men, with less than 4 percent contesting in both the 2007 and 2012 elections.



It is well-known that candidates have a better chance of being elected if they are endorsed by a political party and can access their networks and resources, but too few women are being endorsed. The Registry has been working in the first half of 2021 to collect information about women who are keen to run as candidates in 2022 and will present this information to political parties over the coming months, to help parties with their efforts to identify women candidates.

The Registry will also be working with partners to offer training for women candidates in late 2021 and early 2022, to strengthen their capacities to run strong, successful campaigns. The Registry encourages political parties to contact the Registry team to work with us on identifying and training women candidates in advance of the election being called in 2022.

[Opportunities for awareness-raising](#)

There are a number of important activities that political parties could be organizing in the lead up to the election campaign period, including;

- Conduct of party convention:
 - amendments to party constitution (if necessary),
 - revise policies, including to address women’s political participation
 - election of new executives, including considering a women’s quota
 - endorsement of candidates both males and females
 - identification of districts to contest candidates,
 - lessons from the last election 2017, etc
- Enlisting of party membership both males and females throughout the country
- Conduct awareness on party policies
 - how different are policies of parties from each other
- Identification of support base for the party

Annex 1: Key excerpts from the OLIPPAC

We, the representatives of our people in the National Parliament in responding to the nationwide call to strengthen and bring about political stability to the system of government and in order to protect the National Election from Outside or Hidden Influences have decided –

(a) to make changes to the Organic Law on the Integrity of Political Parties and Candidates to bring stability in the system of government and to strengthen our system of voting in Parliament- in particular in relation to a vote of no confidence, an election of Prime Minister, a vote for approval of National Budget and a vote to enact, amend or repeal a Constitutional Law or a provision of a Constitutional law; and

(b) to develop and nurture a political culture in which intrinsic values of constitutional democracy are respected and maintained; and

(c) to ensure participation of people to enhance the principle of government of the people, for the people, but more importantly, by the people.

PART I. - PRELIMINARY.

1. COMPLIANCE WITH CONSTITUTIONAL REQUIREMENTS. (1) This Law, to the extent that it regulates or restricts a right or freedom referred to in Subdivision III.3.C (qualified rights) of the Constitution, namely-

(a) freedom from arbitrary search and entry conferred by Section 44 of the Constitution; and

(b) freedom of conscience, thought and religion conferred by Section 45 of the Constitution; and

(c) freedom of expression conferred by Section 46 of the Constitution; and

(d) freedom of assembly and association and to form or belong to, or not to belong to, a political party conferred by Section 47 of the Constitution; and

(e) the right to privacy conferred by Section 49 of the Constitution; and

(f) the right to vote and stand for public office conferred by Section 50 of the Constitution; and

(g) the right to freedom of movement conferred by Section 52 of the Constitution; and

(h) the right to protection from unjust deprivation of property conferred by Section 53 of the Constitution; and

(i) the right of equality of citizens conferred by Section 55 of the Constitution; and

(j) other rights and privileges of citizens conferred by Section 56 of the Constitution; and

(k) the right to compensation conferred by Section 58 of the Constitution, is a law that is made for the purposes of complying with Section 38 of the Constitution, taking account of the National Goals and Directive Principles and Basic Social Obligations, in particular to restrict rights and freedoms of Members of Parliament in certain circumstances according to Law from exercising their voting rights to vote as members of Parliament in –

~~(l) a motion of no confidence brought against the Prime Minister, the Ministry or a Minister under Section 145 (motions of no confidence) of the Constitution; and~~

~~(m) a vote for the election of a Prime Minister under Section 142 (the Prime Minister) of the Constitution; and~~

(n) a vote for the approval of the National Budget; and

~~(e) a vote to enact, amend or repeal a Constitutional Law, for the purpose of giving effect to the public interest in public order and public welfare, to the extent that the law is reasonably justifiable in a democratic society having proper respect or regard for the right and dignity of mankind.~~

(2) For the avoidance of doubt, it is hereby declared that this Organic Law acknowledges that all citizens in Papua New Guinea are entitled to the fundamental rights and freedoms, irrespective of their race, tribe, places of origin, political opinion, colour, creed or sex, but subject to respect for the rights and freedoms of others and for the legitimate national or public interest, is a law made in accordance with the Constitution designed to place limitations on those rights and freedoms referred to in Subsection (1), being limitations primarily designed to ensure that the enjoyment of the acknowledged rights and freedoms by an individual does not prejudice the rights and freedoms of others or the legitimate national or public interest.

(3) For the avoidance of doubt, it is hereby declared that a freedom of assembly and association, right to form or to belong to, or not to belong to, a political party, of a citizen, conferred by Section 47 of the Constitution, and, the right to vote and for and to be elected to elective office, of a citizen, conferred by Section 50 of the Constitution, is a restrictive freedom and right, and the provisions of Section 127 of the Constitution shall be given liberal construction in its meeting and intent.

PART III. - POLITICAL PARTIES GENERALLY.

24. MEMBERSHIP OF POLITICAL PARTIES.

(1) Subject to Subsection (2), a political party shall not restrict membership of the party on the basis of sex, race, religion or place of origin.

(2) A non-citizen shall not be a member of a political party.

(3) A person shall not be a member of more than one political party at the same time.

(4) Subject to Subsection (7), a person is not a member of a political party unless all fees, dues or other payments due by him to the political party in accordance with the constitution of that political party have been paid within the time and in the manner required by that constitution.

(5) Subject to Subsection (6), membership of a political party shall be ordinary Membership and a political party shall not grant dual membership, associate membership or any other form of membership of the political party.

(6) A political party may, in accordance with the constitution of that political party, accord special privileges, such as life membership of the party, to certain members of the party.

(7) A member of a registered political party who is a Member of the Parliament and who has not paid, within the time and in the manner required by the constitution of that political party, all fees, dues or other payments due by him to the political party may be expelled From the political party if the constitution so provides, but if not so expelled remains as a member of that political party until- (a) the end-of the life of the Parliament during which the non-payment occurs; or (b) his resignation From that political party; or (c) his ceasing to be a Member of the Parliament according to law, Whichever first happens.

25. EXECUTIVE OFFICERS OF POLITICAL PARTIES.

1) A political party shall have the following executive officers :- (a) a president; and (b) a secretary; and (c) a treasurer; and (d) where a registered political party has two or more members who are Members of the Parliament, a Parliamentary Leader.

(2) An official of a political party, other than a Member of the Parliament, shall not hold any other public office or be an employee or member of the governing body of a public body including a superannuation fund or corporation in which the State or a public body has an equity interest.

(3) The executive officers referred to in Subsection (1)(a), (b) and (c) shall be elected in a democratic manner in accordance with provisions specified in the constitution of the political party and conforming to the following principles:- (a) each member of the political party has an equal voting right that is exercisable freely; and (b) subject to reasonable qualifications applying to all members of the political party, all members are eligible to contest the election of executive officers; and (c) reasonable opportunity is given to - (i) all members qualified under Paragraph (b) to contest; and (ii) all members to vote in, an election of executive officers; and (d) the executive officers are appointed and removable by the majority vote of the members of the political party at elections held at fixed periodic intervals.

(4) A Parliamentary Leader referred to in Subsection (1)(d) shall be elected in a democratic manner in accordance with provisions specified in the constitution of the political party and conforming to the following principles:- (a) each member of the political party who is a Member of the Parliament has an equal voting right that is exercisable freely; and (b) subject to reasonable qualifications applying to all such members, all such members are eligible to contest the election of the office of Parliamentary Leader; and (c) reasonable opportunity is given to - (i) all such members qualified under Paragraph (b) to contest; and (ii) all such members to vote in, an election of a Parliamentary Leader; and (d) the Parliamentary Leader is appointed and is removable by the majority of such members at elections held at fixed periodic intervals and at least once during the life of each Parliament; and

(5) The salaries, allowances and other terms and conditions of the executive Officers of the registered political parties referred to in Subsection (1)(a), (b) and (c) shall be determined by the Salaries and Remuneration Commission and to be administered by the Registrar.

26. PUBLIC OFFICER. (1) Each political party shall appoint a member of the party to be the public officer of the party for the purposes of this Law. (2) An executive officer of a political party is eligible to be appointed the Public officer of that political party

(3) The public officer (other than a Parliamentary Leader) of a political party is responsible, on behalf of the political party, for- (a) lodging an application to register it or to amend its registration; and (b) lodging financial returns; and (c) receiving notifications from the Registrar and the Commission; and (d) performing such other functions as are specified in this Law.

27. REQUIREMENT OF POLITICAL PARTY TO REGISTER. (1) A political party is required to register under Part IV where - (a) it intends to nominate a candidate for election to the Parliament; or (b) it intends to endorse a candidate; or (c) it intends to nominate a candidate for election to a Local-level Government; or; (d) a member of the political party is a Member of the Parliament.

(2) Subject to Subsection (3), a political party which is not registered under Part IV is not eligible - (a) to nominate a candidate for election to the Parliament; or (b) to endorse a candidate for election to the Parliament; or (c) to receive any funding from the Central Fund under this Law. (3) A political party - (a) in existence on the date of coming into operation of this Law; and (b) required by Subsection (1) to register; and (c) which lodges an application for registration under Section 29(1) within six months of the date of coming into operation of this Law, is deemed to be a registered political party for the period from the date of coming into operation of this Law until - (d) the date of registration of that political party under Section 34; or (e) the date of notification of refusal to register that political party under Section 35.

28. QUALIFICATIONS FOR REGISTRATION. A political party is eligible for registration where - (a) its objectives, policies or platforms encourage the development of the country as one nation and do not encourage secession; and (b) subject to Section 24(2), it does not discriminate on the basis of sex, race or religion except to the extent permitted

by Section 55(2) (equality of citizens) of the Constitution; and (c) it is incorporated under the Associations Incorporation Act (Chapter 142); and (d) its membership is not confined by its constitution to persons from a particular province, region or group; and (e) its constitution provides for a president, a secretary and a treasurer and such executive officers have been appointed or elected in accordance with its constitution; and (f) a public officer of the party has been appointed in accordance with Section 26; and (g) the policies of the party do not encourage any illegal or unlawful purposes; and (h) it has at least 500 financial members - (i) who are eligible for enrolment on the National Electoral Roll; and (ii) who are registered as financial members according to the party register; and (i) the name of the political party does not contain the word "independent".

PART IV. - REGISTRATION OF POLITICAL PARTIES.

Division 1. - Registration Procedure.

29. APPLICATION FOR REGISTRATION OF A POLITICAL PARTY.

(1) An application for registration of a political party shall be made to the Registrar by the public officer of that political party.

(2) An application under Subsection (1) - (a) by a political party, required by this Law to be registered, in existence on the date of coming into operation of this Law - shall be made within six months of that date; and (b) in any other case may be made as and when required.

(3) An application under Subsection (1) shall - (a) be on the prescribed form; and (b) be accompanied by the prescribed fee; and (c) contain the following information relating to the political party:- (i) the name of the political party; and (ii) any abbreviation of the name or initials or acronym which the political party intends to use; and (iii) the name of the public officer; and, (iv) the postal address and physical location of the main office and any branch offices and affiliates; and (v) the names, addresses and occupations of the members of its executive officers and of its executive or controlling body and of the officers accountable for or otherwise handling or managing its money or property; and (vi) the names and addresses of persons authorized to receive contributions and commit expenditures on its behalf; and (vii) the names and addresses of persons authorized to commit the party and its branches to endorse and publicly support candidates at elections; and (viii) the names of Members of the Parliament who are members; and (ix) the date of its incorporation; and (x) such other related matters and particulars as the Board may require; and (d) be accompanied by the following in relation to the political party :- (i) a copy of the constitution of the political party; and (ii) the certificate of incorporation issued under the Associations Incorporation Act (Chapter 142); and (iii) statutory declarations by Members of the Parliament who are members of the political party (if any) to the effect that they are members and are not members of any other political party; and (iv) a statutory declaration by the public officer to the effect that no non-citizens are members of and are employees of the political party; and a copy of the balance sheet and financial statements detailing assets and liabilities and income and sources of income; and (vi) a copy of the annual income tax return for the preceding year (if any) certified by the Internal Revenue Commission to be true and accurate. (4) A registered political party under the Organic Law shall have a common seal of office and may sue and be sued in its registered name. (5) The service of any legal process on the registered political party may be effected by serving it on the public officer of the party, or on any other person authorized by the party to accept service of it.

30. APPLICATION TO BE ADVERTISED. (1) As soon as practicable after an application is made to him under Section 29(1), the Registrar shall cause notice of the application to be published in - (a) the National Gazette; and (b) a newspaper published in and circulating generally in the country not less than once in each week.

(2) A notice under Subsection (1) shall - (a) include the information referred to in Section 29(3)(c); and (b) invite any person wishing to object to the application in accordance with this Division to lodge a written objection with the Registrar within one month of the date of publication of the notice under Subsection (1)(a) or (b), whichever is the earlier date; and (c) specify the date for the consideration of the application by the Commission, being a date not

less than one month after the date of publication of a notice under Subsection (1)(a) or (b), whichever is the earlier date.

30. GROUNDS OF OBJECTION.

(1) Objection to the grant of an application made under Section 29(1) may be taken on one or more of the following grounds:- (a) that the application is not in accordance with this Law; or (b) that the information set out in the application, or that any document required to accompany the application, is incorrect; or (c) that the name of the political party is obscene or offensive; or (d) that the name of the political party so closely resembles the name of a registered political party or public body so as likely to be confused with or mistaken for that registered political party or public body.

(2) A statement of objection under Subsection (1) shall- (a) contain the name and address of the person making the objection; and (b) be signed by that person; and (c) specify in detail the grounds of objection.

(3) The Registrar shall - (a) send to the person making the application under Section 29(1) a copy of any objection lodged; and invite him to give a reply within such reasonable time as the Registrar allows.

32. REFERRAL OF APPLICATION TO THE COMMISSION.

Where an application has been lodged under Section 29, the Registrar shall - (a) where all the requirements of Section 29 have been met, submit to the Commission - (i) the application; and (ii) any objections under Section 31(1); and (iii) any reply to objections under Section 31(3); and (b) where the requirements of Section 29 have not all been met - (i) require the applicant to furnish the missing requirements; and (ii) where that has been done, proceed as in Paragraph (a).

33. CONSIDERATION OF APPLICATION. (1) Subject to Subsection (4), as soon as practicable after the expiry of the time for lodging objections under Section 31 to an application, the Commission shall consider the application together with any objections to it and any replies by the applicant to the objections.

(2) Where the Commission is of the opinion that- (a) the application is complete; and (b) the political party has the qualifications for registration specified in Section 28; and (c) any objection to the application does not justify a refusal to register the political party, the Commission shall approve the application and shall direct the Registrar to register the political party.

(3) Where the Commission is of the opinion that- (a) the application is not complete; or (b) any of the matters, listed in Section 31(1) as grounds of objection to an application, exists in relation to the application; or (c) the political party does not have the qualifications for registration specified in Section 28; or (d) any objection to the application justifies a refusal to register the political party, the Commission shall refuse the application giving its reasons for the refusal in writing and shall notify the Registrar accordingly.

(4) The Commission shall not consider any application under Section 29(l) during the period commencing on the date fixed, in accordance with a Constitutional law, for the issuing of writs for a general election and ending on the date fixed, in accordance with a Constitutional law, for the return of the writs for that general election.

34. REGISTRATION. The Registrar shall effect registration of a political party on the direction of the Commission under Section 33(2) by entering in the Register the prescribed particulars of the political party.

35. NOTIFICATION OF DECISION OF COMMISSION. (1) The Registrar shall, as soon as practicable after receiving from the Commission a direction under Section 33(2) or a notification under Section 33(3), give written notification of the decision of the Commission to the public officer of the political party and to any person who filed a notice of objection to the application.

(2) Where the Commission has refused an application, the notification to the Public officer under Subsection (1) shall include the reasons given in writing by the Commission for its refusal.

Division 2. - The Register.

36. REGISTER. (1) The Registrar shall establish and maintain in the office of the Registry a Register of Political Parties. (2) The Register shall be in such form and shall be kept in such manner as the Registrar determines. (3) All matters required by this Law to be registered shall be effected by the Registrar.

37. INSPECTION. The Register shall be available for inspection by any person, on payment of the prescribed fee, during such hours as the Office of the Registrar is open for business.

38. CERTIFICATES, ETC. Subject to this Law, the Registrar may - (a) issue copies of or extracts from entries in the Register certified under his hand and seal; and (b) certify under his hand and seal that an entry, act, matter or thing required or authorized under this Law to be made or done, has or has not been made or done, as the case may be.

39. REGISTER, ETC., TO BE EVIDENCE. (1) The Register is evidence of all matters required or authorized by this Law to be entered in it. (2) A certified copy or extract issued by the Registrar under Section 38 is evidence in all courts and proceedings without further proof or production of the original. (3) A certificate of the Registrar under Section 38 is evidence of the statements contained in the certificate.

40. PUBLICATION OF LIST OF POLITICAL PARTIES BEFORE NATIONAL ELECTION.

(1) The Registrar shall, as soon as practicable after the date of issue of a writ for an election to the Parliament, publish in the National Gazette a list of all registered political parties. (2) A list under Subsection (1) shall include the names of - (a) the president; and (b) the secretary; and (c) the treasurer; and (d) the Parliamentary Leader (if any); and (e) the public officer, of each registered political party.

Division 3. - Amendment of Register.

41. AMENDMENT OF REGISTER.

(1) A public officer of a registered political party shall within 30 days of any change in - (a) the constitution of the political party; or (b) the information supplied to the Registrar under Section 29(3), inform the Registrar of the change. (2) Where any change referred to in Subsection (1) relates to a matter recorded in the Register, the Registrar shall amend the Register accordingly. (3) The public officer of a registered political party may apply to the Commission for - (a) the amendment of any information recorded in the Register; or (b) the replacement of any documents lodged with the Registrar, relating to that political party.

(4) An application under Subsection (3) shall be made in such manner and form as is approved by the Commission. (5) The Commission shall consider an application under Subsection (3) and shall- (a) where the application complies with this Law, agree to it; and (b) where the application does not comply with this Law, refuse it, and advise the Registrar accordingly. (6) The Registrar shall –

(a) notify the applicant of the decision of the Commission under Subsection (5); and (b) in the case of a decision under Subsection (5)(a), amend the Register accordingly.

Division 4. - Cancellation of Registration.

42. GROUNDS FOR CANCELLATION OF REGISTRATION.

The Commission may cancel the registration of a registered political party where- (a) the party is convicted of an offence under this Law or any other law that carries a penalty of a fine of K1,000.00 or more and the party fails to pay the fine imposed on it within the time fixed by the court imposing the fine for payment of the fine; or (b) the party or a member of the party is convicted of an offence under Section 87; or (c) the party no longer meets the

qualifications for registration referred to in Section 28; or (d) the party without reasonable justification, fails to file financial returns, as required by this Law, for two consecutive years.

43. NOTIFICATION OF INTENTION TO CANCEL REGISTRATION.

(1) Where the Commission is of the opinion that grounds for cancellation of registration exist in relation to a registered political party, it shall so advise the Registrar who shall give written notification to the public officer of that registered political party of the intention of the Commission to cancel its registration. (2) Notification under Subsection (1) shall- (a) state the grounds for the proposed cancellation; and (b) fix a period of not less than 21 days within which the political party may- (i) make representations to the Commission as to why the registration should not be cancelled; or (ii) where the grounds are those specified in Section 42(c); or (iii) takes steps to ensure compliance with this Law.

44. COMMISSION TO CONSIDER CANCELLATION, ETC.

(1) On the expiry of the period fixed under Section 43(2)(b), the Commission

Shall -

(a) consider any representations made under Section 43(2)(b)(i) and any steps taken under Section 43(2)(b)(ii); and (b) decide whether the registration of the political party is or is not to be cancelled; and (c) advise the Registrar of its decision under Paragraph (b).

(2) On receipt of the advice under Subsection (1)(c), the Registrar shall- (a) where the decision of the Commission is that the registration of the political party is to be cancelled, cancel the registration; and (b) notify the public officer of the political party of the decision of the Commission under Subsection (1)(b) and, where the registration has been cancelled, of the cancellation; and (c) where the registration has been cancelled - (i) give notification of the cancellation in the National Gazette and in a newspaper published in and circulating generally throughout the country not less frequently than once a week; and (ii) give to the Ombudsman Commission the names of the executive officers of the political party at the date of cancellation of its registration; and (iii) give to the Speaker and the Ombudsman Commission, the names of each member of the political party who was a Member of the Parliament at the date of cancellation of the registration of the political party.

45. EFFECT OF CANCELLATION OF REGISTRATION. Where the registration of a political party is cancelled in accordance with this Division- (a) an executive officer of that political party; or (b) a member of that political party who is a Member of the Parliament, at the date of the cancellation shall not, for a period of four years commencing on that date- (c) form a new political party; or (d) join a political party formed after that date of cancellation.

46. ASSET AND LIABILITIES, ETC., OF POLITICAL PARTY WHOSE REGISTRATION IS CANCELLED. (1) Where the registration of a political party is cancelled under this Division the Commission may - (a) withhold any funding due to the party as at the date of cancellation; and (b) appoint a receiver to take charge of the property of the party and, for that purpose, obtain all books of account, documents, title deeds and other papers and documents (in hard copy or electronic format) relating to the assets and liabilities of the party.

(2) Any property or assets of the political party remaining after discharge of all Liabilities shall be paid into the Central Fund.

Division 5. - Procedures relating to an Executive Officer of, or a Member of the Parliament who is a member of, a Political Party whose registration is cancelled.

47. PROCEDURES RELATING TO AN EXECUTIVE OFFICER OF, OR A MEMBER OF THE PARLIAMENT WHO IS A MEMBER OF, A POLITICAL PARTY WHOSE REGISTRATION IS CANCELLED.

(1) An executive officer of a political party at the date of the cancellation of its registration under Section 44(2)(a) who - (a) was responsible, in full or in part, for the circumstances giving rise to the cancellation of its registration; or (b) was privy to the circumstances giving rise to the cancellation of its registration, and took no steps or insufficient steps to remedy the situation, is guilty of misconduct in office.

(2) A Member of the Parliament who- (a) was a member of a political party at the date of the cancellation of its registration under Section 44(2)(a); and (b) was - (i) responsible, in full or in part, for the circumstances giving rise to the cancellation of its registration; or (ii) was privy to the circumstances giving rise to the cancellation of its registration and took no steps or insufficient steps to remedy the situation, is guilty of misconduct in office.

(3) The Ombudsman Commission shall, on receipt of a notification - (a) under Section 44(2)(c)(ii), investigate whether it is satisfied that any executive officer is guilty of misconduct in office under Subsection (1); and (b) under Section 44(2)(c)(iii), investigate whether it is satisfied that any Member of the Parliament is guilty of misconduct in office under Subsection (2), in relation to the cancellation of the registration of the political party.

(4) Notwithstanding the provisions of Subsections (1), (2) and (3), this section does not apply if there are special circumstances or grounds made out by the President of a registered political party or where a registered political party has ceased to exist.

48. FURTHER PROCEDURE. (1) Where, following investigation under Section 47(3), the Ombudsman Commission is satisfied that - (a) an executive officer is guilty of misconduct in office under Section 47(1); or (b) a Member of the Parliament is guilty of misconduct in office under Section 47(2), the matter shall proceed in accordance with Part V of the Organic Law on the Duties and Responsibilities of Leadership.

(2) Where, following investigation under Section 47(3), the Ombudsman Commission is satisfied that an executive officer is not guilty of misconduct in office under Section 47(1), it shall so advise- (a) the person concerned; and (b) the Registrar.

(3) Where, following investigation under Section 47(3), the Ombudsman Commission is satisfied that a Member of the Parliament is not guilty of misconduct in office under Section 47(2), it shall so advise - (a) the Member; and (b) the Speaker; and (c) the Registrar, and the Member shall retain his office as a Member of the Parliament and may- (d) join another registered political party; or (e) remain independent from any political party.

(4) Where, as a result of the procedure under Part V of the Organic Law on the Duties and Responsibilities of Leadership no recommendation is made for the dismissal from office of a Member of the Parliament, the Member shall retain his office as a Member of the Parliament.

Division 6. - Dissolution of Registered Political Party.

50. DISSOLUTION OF REGISTERED POLITICAL PARTY. (1) A registered political party may be dissolved where- (a) a resolution for the dissolution of the party has been agreed to by- (i) an absolute majority of the members of the party; and (ii) at least 75% of the members of the party who are Members of the Parliament; and (b) all liabilities of the party have been discharged.

(2) The public officer of a political party dissolved under Subsection (1) shall immediately- (a) Notify the Registrar of the dissolution; and (b) supply the Registrar with - (i) particulars of the resolution under Subsection (1)(a); and (ii) evidence of the discharge of the liabilities of the party.

(3) Where the Registrar is satisfied that the provisions of Subsection (1) have been complied with he shall - (a) cancel the registration of the political party; and (b) give notification in the National Gazette that the registration of the

political party has been dissolved following its dissolution; and (c) where any member of the political party is a Member of the Parliament, notify the Speaker.

(4) Any property or assets of the political party remaining after discharge of all Liabilities shall be paid into the Central Fund.

51. EFFECT OF DISSOLUTION OF REGISTERED POLITICAL PARTY. Where the registration of a political party is cancelled following dissolution of the party in accordance with this Division- (a) an executive officer of that political party; or (b) a member of that political party who is a Member of the Parliament, at the date of dissolution, may - (c) remain independent from any political party; or (d) join a political party in existence immediately prior to the date of dissolution, but shall not, for a period of four years commencing on that date - (e) form a new political party; or (f) join a political party formed after that date of dissolution.

Division 7. - Amalgamation of Registered Political Parties.

52. AMALGAMATION OF REGISTERED POLITICAL PARTIES. (1) Two or more registered political parties may amalgamate where- (a) in the case of each party, a resolution for the amalgamation of the party with the other party or parties has been agreed to by - (i) an absolute majority of the members of the party; and (ii) at least 75% of the members of the party who are Members of the Parliament; and (b) all liabilities of each party have been - (i) discharged; or (ii) with the consent of the other party or parties to the amalgamation, transferred to become liabilities of the amalgamated party.

(2) The public officer of each registered political party proposing to amalgamate under Subsection (1) shall immediately- (a) notify the Registrar of the proposed amalgamation; and (b) supply the Registrar with- (i) particulars of the resolution under Subsection (1)(a); and (ii) evidence of the discharge or transfer of the liabilities of the party under Subsection (1)(b).

(3) The public officer of the amalgamated party shall- (a) apply to the Registrar for registration of the amalgamated party; and (b) supply to the Registrar such of the information relative to the amalgamated party as is required to be supplied under Section 29(3)(c) and (d) in respect of an application for registration of a political party.

(4) Where the Registrar is satisfied - (a) that the provisions of Subsections (1), (2) and (3) have been complied with; and (b) that the information supplied is acceptable, he shall proceed to deal with the application for registration of the amalgamated party in the manner required by Sections 30 to 35 inclusive in respect of an application for registration of a political party.

(5) For the purposes of this section, "amalgamated party" means the party formed as a result of the amalgamation.

PART V. – STRENGTHENING OF POLITICAL PARTIES.

Division 1. - Endorsement of Candidates.

53. GENERAL PROVISION. A candidate may contest elections to the National Parliament either as political party endorsed or as an independent.

54. DOUBLE ENDORSEMENT. (1) No person shall contest election in an electorate both as an independent and as a political party endorsed candidate. (2) Where a political party has endorsed a candidate to contest an election in an electorate, it is prohibited from providing any form of support to any other candidate in that election. (3) Any person or political party who breaches Subsections (1) or (2) or both of these subsections is guilty of an offence. Penalty: A fine not exceeding K 5,000.00 or imprisonment for six months. (4) Where a candidate has contested and won an election in an electorate in accordance with this section and is subsequently found guilty under Subsection (3), his election is null and void.

55. MISREPRESENTATION BY CANDIDATE. A candidate who - (a) announces or publishes; or (b) knowingly causes another person to announce or publish on his behalf. without the authority of a political party (proof of which lies on the candidate) stating or suggesting that the candidate - (c) is a candidate of; or (d) has been endorsed or adopted for candidature by, that political party for an election, is guilty of an offence.

Penalty: A fine not exceeding K 1,000.00 or imprisonment for a term not exceeding six months, or both.

56. POLITICAL PARTY ENDORSED CANDIDATES. (1) The following provisions apply to the endorsement of candidates at elections to the Parliament:- (a) a registered political party shall not endorse more than one candidate (whether male or female) in each electorate; (b) a political party which is not registered shall not endorse a candidate; (c) a candidate shall not accept endorsement from more than one registered political party at the same time. (2) A registered political party which endorses more than one candidate in an electorate is guilty of an offence. Penalty: A fine not exceeding K 5,000.00 (3) Where- (a) a registered political party is convicted of an offence under Subsection (2); and (b) one of the candidates endorsed by that registered party in the electorate in respect of which the offence was committed, wins the election, that candidate shall be treated as an independent for the purposes of this Law.

(4) A candidate who accepts endorsement in an election from more than one registered political party is guilty of an offence.

(5) Where a candidate- (a) is convicted of an offence under Subsection (4); and (b) wins the election in respect of which the offence was committed, his election shall be declared void. Division 4. - Invitation to form Government.

63. INVITATION TO FORM GOVERNMENT.

(1) Subject to Subsection (2), on the date of the return of the writs in a general election, the Electoral Commission shall advise the Head of State of the registered political party which has endorsed the greatest number of candidates declared elected in the election, and the Head of State, acting with, and in accordance with, the advice of the Electoral Commission, shall invite that registered political party to form the Government in accordance with this section.

(2) Where two or more registered political parties have endorsed an equal number (being the greatest number) of candidates declared elected in the election, the Electoral Commission shall so advise the Head of State, and the Head of State, acting with, and in accordance with, the advice of Electoral Commission, shall invite the registered political party with the highest votes declared in the election to form the Government.

(3) An invitation under Subsection (1) or invitations under Subsection (2) shall

be- (a) conveyed to the public officer of the registered political party or registered political parties, as the case may be; and (b) notified to the Clerk of Parliament; and (c) published in the National Gazette.

(4) At the first meeting of the Parliament following a general election, being a meeting at which the Prime Minister is to be elected, the registered political party to whom the invitation has been made may nominate a candidate for election of the Prime Minister. (5) Where- (a) a candidate is nominated under Subsection (4)(a) -the Parliament shall vote as to whether that candidate is to be elected Prime Minister; or (b) a candidate is or candidates are nominated under Subsection (4)(b), the Parliament shall vote as to whether that candidate, or any of those candidates, is to be elected Prime Minister.

(6) Where- (a) the candidate nominated under Subsection (4)(a); or (b) a candidate nominated under Subsection (4)(b), receives a simple majority of the votes in the election of Prime Minister, the Speaker shall advise the Head of State that the candidate has been elected Prime Minister by the Parliament.

(7) Where- (a) a registered political party to whom an invitation has been made under Subsection (1) or (2) declines or fails to nominate a candidate under Subsection (4); or (b) a nominated candidate under Subsection (4) fails to receive a simple majority of the votes in the election under Subsection (5), the Parliament shall otherwise elect a Prime Minister in accordance with Standing Orders of the Parliament.

(8) In an election of a Prime Minister under Subsection (7) - (a) a registered political party, who declined to nominate a candidate under Subsection (4), may nominate a candidate; and (b) a nominated candidate, who failed to receive a simple majority of votes in an election under Subsection (5), may be nominated.

64. OFFICE OF OPPOSITION AND ELECTION OF OPPOSITION LEADER.

(1) There shall be established an Office of the Opposition which is made up of Members of Parliament not in government.

(2) The Members shall elect in a democratic manner one of their numbers to be the Leader of Opposition who shall in turn then appoint one of the Members to be the Deputy Leader. (3) Funds shall be provided in each year from the Consolidated Revenue Fund for the maintenance and expenses of the Office of the Opposition.

74. INTERFERENCE WITH MEMBER OF PARLIAMENT, ETC., (1) Where a- (a) political party; or (b) member or executive of a political party; or (c) Member of Parliament; or (d) person, forces, threatens, intimidates, detains or otherwise interferes with the free movement of, a Member of the Parliament in relation to the performance by that Member of his Parliamentary duties (including attendance at Parliament or debating or voting on any issue in Parliament or elsewhere in his capacity as a Member), is guilty of an offence.

Penalty: A fine not exceeding K 5,000.00 or 6 months imprisonment.

PART VI - FUNDING POLITICAL PARTIES.

Division 1. - Central Fund and Contribution.

75. FUNDING OF POLITICAL PARTY ONLY IN ACCORDANCE WITH THIS LAW.

(1) A political party shall be funded only in accordance with this Law. (2) Only a registered political party is eligible to receive funding from the Central Fund.

(3) The funding of a registered political party shall consist of:- (a) funding from the Central Fund where applicable in accordance with this Law; and (b) any contributions made to the registered political party under Sections 79(1)(b) and 81(1)(b); and (c) such other income as is not inconsistent with the provisions in this Law. (4) The Registrar of Political Parties shall, out of monies appropriated in accordance with Section 78(2)(d), pay for the salaries and allowances of the executives of the Registered Political Parties.

76. ESTABLISHMENT OF CENTRAL FUND. (1) A fund to be called the Central Fund is hereby established. (2) All monies- (a) required to be paid to the Central Fund under this Law; and (b) otherwise available for payment to the Central Fund under this Law, shall be paid into the Central Fund and all payments authorized to be made under this Law shall be met by the Central Fund.

77. SOURCE OF FUNDS IN CENTRAL FUND. The Central Fund shall hold funds contributed from the following sources :- (a) monies appropriated in the National Budget in accordance with Section 78; and (b) contributions made by citizens in accordance with Section 79(1)(a); and (c) contributions made by an international organization in accordance with Section 80; and (d) contributions made by non-citizens in accordance with Section 81(1)(a); and (e) funds raised by the Commission; and (f) proceeds received by the Commission from investments made by it.

78. PUBLIC FUNDING. (1) In the National Budget for each year funds shall be appropriated in accordance with this section for the purposes of the Central Fund. (2) The amount of funds to be appropriated in each year for the Central

Fund shall be calculated as follows:- (a) K 10,000.00 in respect of each Member of the Parliament; and (b) an amount to cover any increase in the amount referred to in Paragraph (a) as a result of an increase under Section 82(3); and (c) an amount to cover the administration of the Central Fund; and (d) an amount, as determined by the Commission, to cover the Central Fund's commitments under Section 83; and (e) an amount, as determined by the Commission, to cover for salaries and allowances of the executives of the Registered Political Parties under Section 75(4).

79. CONTRIBUTIONS FROM CITIZENS. (1) Subject to this section, a citizen may contribute to - (a) the Central Fund, to an unlimited extent; and (b) a political party, to an extent provided by Subsection (2)(a); and (c) a candidate, to an extent provided by Subsection (2)(b).

(2) Subject to Subsection (4), contributions made by a citizen - (a) under Subsection (1)(b) - shall not exceed the sum of K500,000.00 in total in any calendar year; and (b) under Subsection (1)(c) - shall not exceed the sum of K500,000.00 in respect of anyone election.

(3) Subject to Subsection (4), a citizen shall not enter into any scheme to defeat the provisions of Subsection (2).

(4) Subsections (2) and (3) do not apply to a loan made to - (a) a political party; or (b) a candidate at an election., by a corporation which is licensed as a bank or financial institution under the Banks and Financial Institutions Act 2000, where the loan and the terms of the loan are similar to those available in the normal course of business of the bank or financial institution.

(5) A citizen, who makes a contribution to - (a) a political party; or (b) a candidate at an election, shall, within 30 days of making the contribution, inform the Registrar of- (c) the amount of the contribution; and (d) the name of the political party or candidate, as the case may be, to which or whom the contribution was made; and (e) the date on which the contribution was made; and (f) such other matters concerning the contribution as may be prescribed.

(6) A person., who fails to comply with Subsection (5), is guilty of an offence. Penalty: A fine not exceeding the amount of the contribution in relation to which the offence was committed.

(7) A- (a) registered political party; or (b) candidate at an election, shall, within 30 days of receiving a contribution from a citizen, inform the Registrar of - (c) the amount of the contribution; and (d) the name of the citizen from whom the contribution was received; and (e) the date on which the contribution was made; and (f) such other matters concerning the contribution as may be prescribed.

(8) A- (a) registered political party which; or (b) candidate, who fails to comply with Subsection (7), is guilty of an offence.

Penalty: A fine not exceeding the amount of the contribution in relation to which the offence was committed.

80. CONTRIBUTIONS FROM INTERNATIONAL ORGANISATIONS. (1) An international organization may contribute to the Central Fund. (2) An international organization shall not contribute directly to a registered Political party.

81. CONTRIBUTIONS FROM NON-CITIZENS. (1) Subject to this section, a non-citizen may contribute to - (a) the Central Fund, to an unlimited extent; and (b) a registered political party, to an extent provided by Subsection (2)(a); and (c) a candidate, to an extent provided by Subsection (2)(b).

(2) Subject to Subsection (4), contributions made by a non-citizen - (a) under Subsection (1)(b) - shall not exceed the sum of K500,000.00 in total in any calendar year; and (b) under Subsection (1)(c) - shall not exceed the sum of K500,000.00 in respect of any one election.

(3) Subject to Subsection (4), a non-citizen shall not- (a) contribute, directly or indirectly, to a political party which is not a registered political party; or (b) enter into any scheme to defeat the provisions of Subsection (2) or of Paragraph (a).

(4) Subsections (2) and (3) do not apply to a loan made to - (a) a political party; or (b) a candidate at an election, by a non-citizen corporation which is licensed as a bank or financial institution under the Banks and Financial Institutions Act 2000, where the loan and the terms of the loan are similar to those available in the normal course of business of the bank or financial institution.

(5) A non-citizen, who makes a contribution to - (a) a registered political party; or (b) a candidate at an election, shall, within 30 days of making the contribution, inform the Registrar of (c) the amount of the contribution; and (d) the name of the political party or candidate, as the case may be, to which or whom the contribution was made; and (e) the date on which the contribution was made; and

(f) such other matters concerning the contribution as may be prescribed.

(6) A person, who fails to comply with Subsection (5), is guilty of an offence. Penalty: A fine not exceeding the amount of the contribution in relation to which the offence was committed.

(7) A- (a) registered political party; or (b) candidate at an election, shall, within 30 days of receiving a contribution from a non-citizen, inform the Registrar of- (c) the amount of the contribution; and (d) the name of the non-citizen from whom the contribution was received; and (e) the date on which the contribution was made; and (f) such other matters concerning the contribution as may be prescribed.

(8) A- (a) registered political party which; or (b) candidate who, fails to comply with Subsection (7), is guilty of an offence.

Penalty: A fine not exceeding the amount of the contribution in relation to which the offence was committed.

Division 2. - Distribution of Funds from Central Fund.

82. DISTRIBUTION OF MONEYS FROM THE CENTRAL FUND. (1) For the purposes of this section, "registered political party represented in the Parliament" means a registered political party, a member of which is a Member of the Parliament who - (a) was endorsed by that registered political party at the time of his election to the Parliament; or (b) who subsequently joined that registered political party, and who is not a member of another registered political party. (2) Subject to this section and to any other relevant provision of this Law, the Commission shall payout of the Central Fund - (a) subject to Subsection (3), to each registered political party represented in the Parliament, the sum of K 10,000.00 for each Member of the Parliament who is a member of that registered political party; and (b) any sum payable to a registered political party under Section 83. (3) The Commission may, taking into account national economic factors, increase the amount payable under Subsection (2)(a), but no such increase shall exceed 10% in anyone year.

(4) The Commission may, from time to time, out of moneys available in the Central Fund after making the payments under Subsection (2) or (3) make an additional payment to each registered political party.

(5) The amount to be paid to each registered political party under Subsection (4) shall generally be in accordance with the principles of Subsection (2).

83. FUNDING OF FEMALE CANDIDATES. (1) Where- (a) a registered political party endorsed a female candidate in an election and spent an amount as election campaign expenses on her behalf; and (b) the female candidate obtained at least 10% of the votes cast in the electorate in that election, the registered political party shall be entitled to receive from the Central Fund - (c) 75% of K 10,000.00 payable to a successful candidate, by the registered political party as election campaign expenses on her behalf; or (d) an amount fixed by the Commission, whichever is the lesser.

(2) Where a registered political party endorses a female candidate in an election as referred to in Subsection (1), and that female candidate wins the election, the female candidate and the registered political party sponsoring the female candidate are not entitled to any payment from the Central Fund under this section.

84. CLAIMS FOR PAYMENT. (1) The Commission shall not make any payments out of the Central Fund under Section 82(2)(a) or (b) except - (a) on the making of a claim by a registered political party in accordance with this section; and (b) where the Commission is satisfied that the registered political party is entitled to funding under Section 82 or 83. (2) A registered political party may apply to the Commission for payment under Section 83.

(3) A claim under Subsection (1)(a) or (2) shall- (a) be made in the prescribed form; and (b) be signed by the president of the registered political party and by its secretary or treasurer; and (c) be made within the prescribed time period.

(4) A political party shall not be entitled for payment in the name or names of its Member or Members who fail to lodge his or their financial returns to the Registrar, within the specified period.

85. MEMBERSHIP OF MEMBER OF THE PARLIAMENT IN A REGISTERED POLITICAL PARTY. (1) Subject to Subsection (3), as soon as practicable after 1 March in each year, the Commission shall make a determination as to the membership of registered political parties of Members of the Parliament.

(2) For the purpose of the distribution of funds from the Central Fund to a registered political party, a Member of Parliament is deemed to be a member of that registered political party where he is a member of that registered political party on 1 March of that year.

(3) In making a determination under Subsection (1), the Commission shall determine that a Member of the Parliament is a member of a registered political party where the Commission is satisfied that - (a) the Member was endorsed as a candidate of that registered political party in the election of that Member to the Parliament; or (b) the Member was in his election to the Parliament not endorsed by a political party, but has since notified the Speaker or the Commission in writing that he has joined that registered political party; or (c) the Member has - (i) notified the Speaker or the Commission in writing that he is a member of that registered political party; and (ii) consistently sat and voted with that registered political party for a period of six months or more, and the Commission is satisfied that that Member is a member of that registered political party.

86. ENTITLEMENT TO FUNDING FROM THE CENTRAL FUND. (1) A- (a) person who is a Member of the Parliament, determined by the Commission under Section 85 not to be a member of a registered political party; and (b) Member of Parliament, who is a member of a political party who has failed to file a financial return, is not entitled to any payment of funds from the Central Fund and shall not be included in any calculation of payment of funds from the Central Fund.

(2) A registered political party which- (a) does not have any members who are Members of the Parliament; or (b) has failed to file a financial return in accordance with Section 88, is not entitled to any payment of funds from the Central Fund.

Division 3. - Offences relating to Contributions and Funding.

87. CONTRIBUTIONS. (1) A- (a) citizen, who gives a contribution to a political party or to a candidate in excess of the limits specified in Section 79(2); or (b) non-citizen, who gives a contribution to a political party or to a candidate in excess of the limits specified in Section 81(2), is guilty of an offence.

Penalty: A fine not exceeding K 10,000.00 or imprisonment for a term not exceeding two years, or both.

(2) A- (a) political party, which; or (b) member of a political party, who, seeks or accepts a contribution to that political party from- (c) a citizen, in excess of the limits specified in Section 79(2); or (d) a non-citizen, in excess of

the limits specified in Section 81(2), is guilty of an offence. Penalty: In the case of a political party, a fine not exceeding K 10,000.00.

In the case of a member of a political party, a fine not exceeding K2,000.00 or imprisonment for a term not exceeding six months, or both.

(3) A- (a) citizen, who fails to comply with Section 79(3); or (b) non-citizen, who fails to comply with Section 81(3), is guilty of an offence.

Penalty: A fine not exceeding K 10,000.00 or imprisonment for a term not exceeding two years, or both.

(4) Where a political party or a member of a political party is convicted of an offence under Subsection (2) which relates to the acceptance of a contribution, it or he shall, in addition to any penalty imposed under Subsection (2), pay to the Central Fund - (a) where the contribution was money - the amount received; and (b) where the contribution was other than money - an amount equal to the value of the contribution as determined by the Commission, and the political party is not entitled to any distribution of moneys from the Central Fund under Section 82 until such payment is made.

(5) A candidate, who seeks or accepts, for the purposes of his election- (a) a contribution from a citizen in excess of the limits specified in Section 79(2); or (b) a contribution from a non-citizen in excess of the limits specified in Section 81(2), is guilty of an offence.

Penalty: A fine not exceeding K5,000.00 or imprisonment for a term not exceeding one year, or both.

(6) Where a person convicted of an offence under this section is a person to whom the Leadership Code applies, the offence amounts to misconduct in office for the purposes of the Leadership Code.

PART VII. - FINANCIAL RETURNS.

88. FINANCIAL RETURNS BY POLITICAL PARTIES. (1) Within three months after the date fixed for the return of writs following a general election and every twelve months thereafter, the public officer of a political party shall lodge with the Registrar a financial return specifying - (a) details of all contributions which that political party has received; and (b) details of all other receipts and income of that political party; and (c) details of all expenditure which that political party has incurred, during the period - (d) in the case of a financial return lodged following the return of writs in a general election - of 12 months preceding the date of return of the writs; and (e) in the case of any other financial return - since the date of the end of the period covered by the previous financial return.

(2) A financial return under Subsection (1) shall contain - (a) in respect of each contribution - (i) the full name and address of each contributor; and (ii) the date of receipt of the contribution; and (iii) where the contribution was made in cash - the amount; and (iv) where the contribution was not made in cash - the nature and value of the contribution; and (b) in respect of receipts and income - (i) full details of the source and nature of the income or of the sum received; and (ii) the date of receipt of the income or sum received; and (c) in respect of each item of expenditure - (i) the full name and address of each recipient of expenditure; and (ii) the date on which the expenditure was made; and (iii) the nature and value of the expenditure; and (d) in respect of each item of expenditure on a candidate - (i) the full name and address of the candidate; and (ii) the name of the electorate for which he was a candidate; and (iii) the date on which the expenditure was made; and (iv) the nature and value of the expenditure. (3) Where a financial return lodged with the Registrar under Subsection (1) - (a) is not complete; or (b) lacks detail or substance in any respect, the Commission may require the political party or the candidate to furnish such further information as the Commission may direct.

(4) A political party, which fails to file a financial return as required by this section, is guilty of an offence.

Penalty: A fine not exceeding K5,000.00 Default penalty: A fine not exceeding K50.00.

(5) Where a political party has not filed a financial return as required by this section, each executive officer of that political party is guilty of misconduct in office under the Leadership Code.

89. FINANCIAL RETURNS BY CANDIDATES. (1) Within three months after - (a) in the case of a candidate declared to be a successful candidate at return of the writs for an election - the date of the return of the writs; and (b) in the case of a candidate declared to be a successful candidate by a Court of Disputed Returns - the date of the declaration by the Court, a successful candidate shall lodge with the Registrar a financial return specifying - (c) details of the contributions received by him; and (d) details of the expenditure incurred by him, for or in connection with his candidature at the election.

(2) A financial return under Subsection (1) shall contain - (a) in respect of each contributor - (i) the full name and address of each contributor; and (ii) the date of receipt of the contribution; and (iii) where the contribution was made in cash - the amount; and (iv) where the contribution was not made in cash - the nature and value of the contribution; and (b) in respect of each item of expenditure - (i) the full name and address of each recipient of expenditure; and (ii) the date on which the expenditure was made; and (iii) the nature and value of the expenditure.

(3) Where a financial return lodged with the Registrar under Subsection (1) - (a) is not complete; and (b) lacks detail or substance in any respect, the Commission may require the registered political party or the candidate to furnish such further information as the Commission may direct.

(4) A successful candidate, who fails to file a financial return as required by this section, is guilty of an offence.

Penalty: A fine not exceeding K2,000.00.

Default Penalty: A fine not exceeding K20.00.

(5) A successful candidate, who has not filed a financial return as required by this section, is guilty of misconduct in office under the Leadership Code.

90. FALSE AND DEFECTIVE RETURNS. (1) The Registrar shall refer to the Commission a financial return lodged with him under Section 88 or 89 which he believes - (a) is defective; or (b) contains information which is false.

(2) Where the Commission considers that a financial return referred to it under Subsection (1) - (a) is defective; or (b) contains information which is false, The Commission shall reject the financial return and the financial return is deemed not to have been lodged. (3) A - (a) registered political party which; or (b) successful candidate, who, knowingly or carelessly files a financial return which - (c) is defective; or (d) contains information which is false, is guilty of an offence.

Penalty: A fine not exceeding K2,000.00.

PART VIII. - MISCELLANEOUS.

Division 1. -Inspection.

91. INSPECTION. (1) Where- (a) the Registrar; or (b) the Commission; or

(c) a person authorized by the Registrar or Commission in writing, is of the opinion that a person or a political party may have contravened the provisions of this Law or is of the opinion that it is necessary to do so for the purposes of the performances of a function of the Registrar, the Registrar or Commission or the authorized person, under this Law, as the case may be, may- (d) require that person or political party to produce any receipts, papers, bank statements, documents or other records relating to matters covered by this Law; and (e) where any information relating to matters covered by this Law are contained in an electronic storage medium, require that person or political party to give to him full and free access to the electronic medium and to the information contained therein; and (f) inspect any such receipt, paper, bank statement, documents or other record or electronic medium and

information contained therein; and (h) take copies of any such receipt, paper, bank statement, document or other record or of information contained in an electronic medium.

(2) A person or political party, who or which- (a) hinders or obstructs the Registrar, or a member of the Commission authorized by the Commission or a person authorized by the Registrar or the Commission in the exercise or performance of his powers and functions under Subsection (1); or (b) without lawful excuse (proof of which is on him)- (i) refuses or willfully neglects to produce; or (ii) refuses to allow the Registrar, or a member of the Commission authorized by the Commission, or a person authorized by the Registrar or by the Commission to make copies of, any receipt, paper, bank statement, document or other record, or of information contained in any electronic medium, is guilty of an offence.

Penalty: A fine not exceeding K 10,000.00

92. CONFIDENTIALITY. (1) Subject to Subsection (2), information disclosed under this Law to the Registrar, to an officer or employee of the Registry, or to a member of the Commission shall not be disclosed to any person who is not the Registrar or an officer or employee of the Secretariat or a member of the Commission without the prior written approval of the person who provided that information, except - (a) to the extent that disclosure is authorized or required under this Law or any other law; or (b) to the extent the person providing the information authorized its disclosure at the time of providing the information; or (c) as authorized by the Commission. (2) Subsection (1) does not apply to information referred to in Division IV. I, Sections 29 to 35 inclusive and Sections 15, 88 and 89.

(3) The Registrar or an officer or employee of the Registry or a member of the Commission who uses any information disclosed under this Law that comes to his knowledge in the course of, or by reason of his employment as Registrar or an officer or employee of the Registry or his membership of the Commission- (a) for the purpose of his personal gain; or (b) except as authorized under Subsection (1), is guilty of an offence. Penalty: A fine not exceeding K 10,000.00 or imprisonment for a term not exceeding four years, or both.

93. CONSTITUTIONAL REGULATIONS. The Head of State, acting with, and in accordance with, the advice of the National Executive Council may make Constitutional Regulations, not inconsistent with this Law, prescribing all matters that are required or permitted to be prescribed or that are necessary or convenient to be prescribed by this Law.

Division 2. - Repeal, Savings, Transitional, etc.

94. REPEAL. The Organic Law on the Integrity of the Political Parties and Candidates 2000 is hereby repealed.

95. COMMENCEMENT DATE. (1) Notwithstanding the repeal of the principal Organic Law, it is hereby declared that the provisions of the Organic Law have retrospective effect and are deemed to have commenced in accordance with the commencement provisions. (2) For the avoidance of doubt it is hereby declared that this Organic Law has retrospective effect.

96. VALIDITY OF CERTAIN ACTS, MATTERS, ETC., (1) All decisions made, or acts, matters or things done or suffered, prior to this Organic Law which purport to have been made, done or suffered under the authority of or for the purpose of the principal Organic Law (repealed), notwithstanding the repeal or any defect in the doing thereof or in the manner which those decisions were made or those acts, matters or things were done or suffered are deemed to have been authorized by the principal Organic Law. (2) All decisions made, or acts, matters and things done or suffered under or for the purpose of the repealed Organic Law shall be deemed to have been made, done or suffered under the equivalent provisions of this Organic Law.

97. TRANSITIONAL PROVISIONS. (1) A person holding office as Chairman, or as Members, or as Registrar of the Commission under the repealed Organic Law, immediately before the coming into operation of this Organic Law, shall be deemed to have been appointed as Chairman or as Members, or as Registrar of the Commission shall continue in office under this Organic Law.

(2) All Constitutional Regulations enacted under the repealed Organic Law and are in force prior to the commencement of this Organic Law shall have the same effect under this Organic Law.

I hereby certify that the above is a fair print of the Organic Law on the Integrity of Political Parties and Candidates, which has been made by the National Parliament.

Clerk of the National Parliament.

15 OCT2003

Constitution. CERTIFICATE UNDER SECTION 14.

I, BILL SKATE, Speaker of the National Parliament, hereby certify that the requirements of Section 14(1), (2) and (3) of the Constitution were complied with in respect of the Organic Law on the Integrity of Political Parties and Candidates, and that the law was made by the National Parliament as follows:-

(a) the first vote was taken on 17 July 2003 when the number of seats in the National Parliament were 109 and those voting for the proposal were 73 and 6 voted against the proposal; and (b) the second vote was taken on 19 September 2003 when the number of seats in the National Parliament were 109 and those voting for the proposal were 81 and 7 voted against the proposal.

Speaker of the National Parliament.

15 OCT 2003