

**POLITICAL PARTIES (REGISTRATION AND REGULATION)
(AMENDMENT) BILL, 2020**

(Bill No. 24 of 2020)

OBJECTS AND REASONS

The Electoral Commission, in 2017, reviewed the electoral legal framework in order to ensure the furtherance of democratic principles, effective representation and the creation of conditions that are conducive to fair electoral competition and after consultation with political parties and civil society representatives, submitted its Recommendations for Reforms in December 2017.

The Recommendations for Reforms have been examined in consultation with the Electoral Commission and it has been considered necessary to amend the laws relating to elections. Hence, based on the Recommendations for Reforms, the Political Parties (Registration and Regulation) Act (Cap 173) is proposed to be amended. Before agreeing to the proposed amendments, the Electoral Commission has also made consultation with, and apprised, the representatives of the registered political parties on the proposed amendments.

Accordingly, the Political Parties (Registration and Regulation) (Amendment) Bill, 2020, amongst other things, proposes to —

- (a) amend section 3 so as to provide that the symbol, logo and the acronym of the political party shall also registered at the time of its registration;
- (b) amend section 5 so as to prescribe the procedure to be followed by the Electoral Commission on receipt of an application for registration of a political party in time-bound manner;
- (c) amend section 7 to enable the Electoral Commission to refuse the registration of a political party if the name, logo or acronym of the party is identical or so nearly resembles with another political party or the name of a person has been endorsed as a registered member in the application for registration of the party without the consent or knowledge of the person;

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- (d) amend section 24 to provide that —
- (i) political parties are required to disclose the source of receipts and identities of persons in respect of whom expenditure is incurred whereas at present it provides that they disclose the latter or the former;
 - (ii) identity of persons in respect of whom expenditure was incurred shall be disclosed where the expenditure exceeded SCR5,000 whereas at present the identity of all persons in respect of whom expenditure is incurred is to be disclosed;
 - (iii) subsections (3A) and (3B) are repealed so that the Electoral Commission may reveal or publish the identity of any person disclosed under a financial statement;
 - (iv) the Electoral Commission may from time to time, upon receipt of financial statement, issue public reports disclosing the total funds received by each candidate or political party and its sources and that it shall be mandatory that where the fund received from a person exceeds SCR50,000, that the details disclosed in the statement shall be made public and shall be posted on the Commission's website;
- (e) amend section 29 to provide that — (i) the allocation to political parties shall be on quarterly basis; (ii) amount shall be paid in advance in the quarter the general election is to be held; (iii) following the result of general election amount shall be recalculated proportionally; and (iv) the amount shall also be calculated pro-rata from the first day of quarter after which the general election was held to 31st December of that year.

The Bill seeks to achieve the above objectives.

Dated this 31st day of July, 2020.

**FRANK D.R. ALLY
ATTORNEYGENERAL**

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ARRANGEMENT OF SECTIONS

SECTIONS

1. Short title and commencement
2. Amendment of section 3 of Cap 173
3. Amendment of section 5
4. Amendment of section 7
5. Amendment of section 24
6. Amendment of section 29

**POLITICAL PARTIES (REGISTRATION AND
REGULATION) (AMENDMENT) BILL, 2020**

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**A BILL
FOR**

AN ACT to amend the Political Parties (Registration and Regulation) Act (*Cap 173*).

ENACTED by the President and the National Assembly.

1. This Act may be cited as the Political Parties (Registration and Regulation) (Amendment) Act, 2020 and shall come into operation on such date as the President may, by notice in the *Gazette*, appoint.

Short title and commencement

Amendment of
section 3 of
Cap 173

2. Section 3 of the Political Parties (Registration and Regulation) Act (*Cap 173*) (*hereinafter referred to as the “principal Act”*) is amended, in subsection (1), by repealing the words “political party”, and substituting therefor the words “political party, the symbol, logo and the acronym of the party”.

Amendment of
section 5

3. Section 5 of the principal Act is amended, by inserting after subsection (4), the following subsections —

“(5) The Electoral Commission shall acknowledge the receipt of the application for registration accompanied with the documents required under subsection (2), within 7 days of such receipt.

(6) The Electoral Commission shall assess the application and the accompanied documents and verify the details of registered members of the party.

(7) The Electoral Commission shall, within a period of 30 days from the receipt of the application for registration, inform in writing, to the political party if any further information is required.

(8) The Electoral Commission shall, if satisfied that the application and the accompanied documents meets the requirement of this section, publish for a period of 30 days, the application for registration of the political party on its website and at all registration centres for comments or objections from the public.

(9) Any objections may be made in writing not later than 7 days after the expiry of 30 days referred to in subsection (8).

(10) If any objection is received under subsection (9), the Electoral Commission shall

notify the objection to the political party for a response.

(11) If no response is received from the political party, within a period of 15 days of the notice under subsection (10), the Electoral Commission shall reject the application for registration.

(12) If response to the objections is received, within a period of 15 days of the notice under subsection (10), and the Electoral Commission is satisfied with the response, the Electoral Commission shall within a period of 15 days from the date of the response decide the application under this Act.”.

4. Section 7(1) of the principal Act is amended —

Amendment of
article 7

(i) in paragraph (b), by repealing the word “name” wherever it appears, and substituting therefor the words “name, logo or acronym”;

(ii) by inserting after paragraph (c), the following paragraph —

“(d) the name of a person has been endorsed as a registered member in the application for registration of the party without the consent or knowledge of the person.”.

5. Section 24 of the principal Act is amended —

Amendment of
article 24

(a) in subsection (3) —

(i) in paragraph (b), by repealing the word “or”, and substituting therefor the word “and”;

- (ii) in paragraph (c), by inserting after the words “expenditure was incurred”, the words “the value of which exceeds R5,000”;
- (b) by repealing subsections (3A) and (3B);
- (c) by inserting after subsection (6), the following subsections —

“(7) The Electoral Commission shall, on receipt the statement and its review under subsection (5A), maintain the records of such statements and the review and may, from time to time, issue public reports disclosing the total funds received by each candidate or a political party and the number of persons from whom such funds received.

(8) Where the total fund from a person exceeds R50,000, the details of the disclosure made in the statement under this section shall be made public and posted on the website of the Electoral Commission.”.

Amendment of
article 29

6. Section 29 of the principal Act is amended —

- (a) in subsection (3), by repealing the words “received immediately after the close of nomination for that election such sum out of the Fund as is equal to the lowest sum paid to a political party under subsection (2)”, and substituting therefor the words “receive, such amount to be calculated prorata, on the lowest sum payable to a political party under subsection (2), from the date of nomination of their candidates to the end of the quarter in which the general election is to be held”;

- (b) by repealing subsection (4), and substituting therefor the following subsections —

“(4) The sum each political party is entitled to receive under subsection (2) or subsection (3) may be paid quarterly in advance on or before 30th January, 30th April, 31st July and 31st October or in such manner and at such times as the Commission may, in consultation with the political party, determine.

(5) Notwithstanding subsection (4), in an election year, the amount to be paid to political parties under subsection (2) shall be paid in advance for the quarter in which the general election is to be held.

(6) Following the results of the general election of the National Assembly, the amount to be paid to political parties shall be recalculated proportionally according to the total number of valid votes cast in favour of the candidates nominated by that party for the immediate preceding general election of the National Assembly.

(7) The amount payable shall be proportional to the number of votes cast in favour of those candidates against the total number of valid votes cast at the last general election of the National Assembly.

(8) That amount shall also be calculated prorata from the first day of the quarter after which the general election was held to 31st December of that year and any payment may be made quarterly in accordance with subsection (2).”.