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Trinidad and Tobago

HOUSE OF REPRESENTATIVES

BILL

AN ACT to amend the Representation of the People Act,
Chap. 2:01

THE REPRESENTATION OF THE PEOPLE (AMENDMENT)
BILL, 2020

Explanatory Notes

(These notes form no part of the Bill but are intended only to indicate its general purport)

This Bill seeks to amend the Representation of the People Act, Chap. 2:01, in order to provide for the registration of political parties and to make provision for related matters. The Bill contains eleven clauses.

Clause 1 of the Bill would provide the short title of the Bill and would also provide that the Act shall come into operation on such date as the President may by proclamation appoint.

Clause 2 of the Bill would provide for the interpretation of the words “the Act” to mean the Representation of the People Act, Chap. 2:01.

Clause 3 of the Bill would amend section 2 of the Act by inserting new definitions.

Clause 4 of the Bill would amend section 3 of the Act by inserting a new subsection (1A) to expand the functions of the Commission.

Clause 5 of the Bill would amend the Act by inserting after Part II, two new Parts—Parts II A and II B.

The new Part II A would provide for political party registration, deregistration, mergers and coalitions.

New clause 30A would provide for the establishment of a division of the Elections and Boundaries Commission (the Commission) to be known as the Office of the Registrar of Political Parties.

New clause 30B would establish the Register of Political Parties.

New clause 30C would empower the Registrar of Political Parties to make corrections to the Register.

New Clause 30D would provide that an association of persons or an organisation shall not operate or function as a political party unless it has been registered in accordance with the provisions of the Act. Additionally, political parties are to be registered in order to field candidates for an election.

New Clause 30E would provide that the leader or the authorised representative of a political party that proposes to function as a registered political party, shall apply to the Commission to be registered. The section would also set out the information which an application for registration must include.

New clause 30F would provide that an application for registration would not be accepted by the Commission during specified periods.

New clause 30G would provide for the withdrawal of an application for registration by a political party.

New clause 30H would set out the procedure to be followed where an application for registration of a political party is made and the Commission invites objections from any person to the registration of the applicant party.

New clause 30I would set out the procedure to be followed by the Commission when in receipt of an objection to the registration of a political party.

New clause 30J would set out the grounds on which the Commission may refuse to register a political party.

New clause 30K would set out the procedure to be followed where the Commission is in receipt of a defective application for registration.

New clause 30L would provide that the Commission may cause an investigation to be carried out in order to ascertain the truthfulness or accuracy of the information submitted by a political party with an application for registration.

New clause 30M would provide that where an application for registration is considered to have been withdrawn, the applicant party may submit a new application.

New clause 30N would set out the procedure to be followed where the Commission, having approved an application for registration, registers a political party.

New clause 30O would provide that the effective date of registration of a political party shall be the date on which the Commission issues a certificate of registration.

New clause 30P would provide that a political party shall not be registered, unless it provides that Commission with a written scheme which sets out the arrangements for regulating the financial affairs of the party for the purposes of the Act.

New clause 30Q would set out the procedure to be followed by the Commission where a political party's financial scheme is submitted for approval.

New clause 30R would provide that where a political party is registered under the Act, the treasurer of the party shall provide the Commission with a statement regarding the party's assets and liabilities.

New clause 30S would set out the minimum number of officers a registered political party or an applicant party must have.

New clause 30T would outline the disqualification criteria for officers of a political party.

New clause 30U would set out the minimum number of members, who are electors, a registered political party or an applicant party must have.

New clause 30V would provide that where a writ for a Parliamentary election is issued, a registered political party must provide a statement confirming the validity of the information concerning the party in the Register of Political Parties.

New clause 30W would provide that a registered political party shall provide the Commission with a statement, annually, confirming the validity of the information concerning the party in the Register of Political Parties.

New clause 30X would indicate how a registered political party may be removed from the Register of Political Parties.

New clause 30Y would provide that the information in the Register of Political Parties may be corrected, amended or altered.

New clause 30Z would provide for the reporting requirements of independent candidates.

New clause 30AA would provide for instances where false information has been provided or there is obstruction to the registration of a political party.

New clause 30AB would provide for the misrepresentation of the status of a political party.

New clause 30AC would allow for the voluntary deregistration of a political party.

New clause 30AD would provide that, after meeting with a registered political party concerning its proposed deregistration, the Commission may proceed to deregister the party where it is satisfied that the circumstances of the party fall within the grounds for deregistration.

New clause 30AE would provide for the notice of deregistration.

New clause 30AF would provide the circumstances to avoid deregistration.

New clause 30AG would provide for a meeting between the Commission and the political party concerning deregistration.

New clause 30AH would provide for the Commission to make a decision concerning deregistration.

New clause 30AI would provide that the Commission shall not deregister a registered political party during a campaign period.

New clause 30AJ would provide that the Commission shall, without delay, cause a notice of deregistration of a registered political party and of its registered associations to be published in the *Gazette* and at least one daily newspaper.

New clause 30AK would provide that the effective date of deregistration of a registered political party would be the date on which the notice of deregistration appears in the *Gazette*.

New clause 30AL would provide for the preservation of the name of a political party for a specified period after its deregistration.

New clause 30AM would provide for the continuation of the registered status of a deregistered political party for a specified period in order to comply with financial reporting requirements under the Act.

New clause 30AN would provide for appeals against deregistration.

New clause 30AO would set out the procedure to be followed where two or more registered parties apply to become a merged political party.

New clause 30AP would set out the criteria which must be satisfied in order to replace the name of merging political parties with the name of a merged party in the Register of Political Parties.

New clause 30AQ would provide that a merger of political parties takes effect on the date on which the Commission amends the Register of Political Parties. The provision also sets out the consequences of a merger with respect to the financial obligations of the merged parties.

New clause 30AR would provide that where two or more political parties are merged and included in the Register of Political Parties, notice of the merger shall be published in the *Gazette* and at least one daily newspaper.

New clause 30AS would set out the procedure to be followed where two or more registered parties enter into a coalition agreement.

New clause 30AT would set out the procedure to be followed where a registered political party seeks to make any changes or alterations to its name, identifying symbol, slogan or colour.

New clause 30AU would set out the procedure to be followed where there is an objection to a proposed change or alteration of a registered political party's name, identifying symbol, slogan or colour.

New clause 30AV would set out the procedure to be followed where the Commission makes a preliminary determination that the change or alteration applied for by a registered political party should not be made to the Register of Political Parties.

New Part IIB would provide for Accounts, Returns, and Audit of registered political parties.

New clause 30AW would provide that a registered political party is, *inter alia*, under a duty to keep and maintain proper accounting records, file an annual financial report with the Commission and notify the Commission of all financial institutions in which the party maintains accounts.

New clause 30AX would provide that a registered political party is under a duty to submit to the Commission an annual financial report prepared by a registered public accountant and a statement showing the sources of funds of the party.

New clause 30AY would provide that the accounts of a registered political party may be audited by an independent auditor appointed by the Commission.

New clause 30AZ would provide for State funding of political parties.

New clause 30AAA would provide for the allocation of State funding.

New clause 30AAB would set out the obligations registered political parties that qualify for State funding.

New clause 30AAC provides for the suspension of State funding.

New clause 30AAD provides for disqualification from receiving State funding.

New clause 30AAE would impose a duty of the Commission to keep records relating to the State funding.

Clause 6 would insert a new section 43A to regulate the use of State media during an election campaign and new section 43B to regulate the use of non-State media during an election campaign.

Clause 7 of the Bill would repeal section 48 of the Act.

Clause 8 of the Bill would insert a new Part IV A of the Act to address donations and campaign financing.

New clause 59A would establish a National Election Campaign Fund.

New clause 59B would provide for the management of the Fund.

New clause 59C would outline the moneys constituting the Fund.

New clause 59D would provide for the accounts of the Fund.

New clause 59E would set out the conditions for disbursements from the Fund.

New clause 59F would provide for certain disclosures of contributions by persons who have government contracts.

New clause 59G would allow for tax deductible expenses in relation to contributions made to campaigns.

New clause 59H would indicate who may be permissible donors.

New clause 59I would allow anonymous donations not exceeding fifty thousand dollars to a candidate or to a registered political party. Donations which exceed that amount would have to be disclosed.

New clause 59J would set out the criteria for overseas donations or contributions.

New clause 59K would provide for the return of donations.

New clause 59L would provide for public disclosure requirements.

New clause 59M would set out the obligations of donors and the reporting requirements.

New clause 59N would establish a public register of disclosable donations.

New clause 59O would require certain declarations to accompany a donation report.

New clause 59P would set out restrictions on incurring expenditure during a campaign.

New clause 59Q would provide for the returns on campaign expenditure.

New clause 59R would permit public inspection of returns of campaign expenditure.

New clause 59S would outline election advertisement requirements.

New clause 59T would allow the authorisation of election advertisement.

New clause 59U would indicate who may be eligible promoters.

New clause 59V would prohibit publication without authorisation.

New clause 59W would create an offence to fraudulently claim authorisation to advertise.

New clause 59X would create certain defences.

New clause 59Y would prohibit the use of coercion for donations.

New clause 59Z would provide for non-solicitation of public funds.

New clause 59AA would provide for the liability of an official of a political party in certain circumstances.

New clause 59AB would prohibit the use of money for illegal purposes.

New clause 59AC would provide a general penalty for the contravention of certain provisions.

New clause 59AD would establish a Register of Donations.

New clause 59AE would protect the confidentiality of information.

Clause 9 of the Bill would amend the Act by inserting after section 161, a new section 161A which would enable the Minister on the recommendation of the Commission, to make Regulations for the better carrying out of the provisions of the Act.

Clause 10 of the Bill would amend the Act by inserting after section 162, a new section 163 which would provide for transitional matters.

Clause 11 of the Bill would amend the Act by inserting after the Third Schedule four new Schedules, the Fourth Schedule, the Fifth Schedule, the Sixth Schedule and the Seventh Schedule. The Fourth Schedule would set out the required content of the written constitution of a political party applying for registration. The Fifth Schedule would set out the information which is to be furnished to the Commission where a political party applies to be registered. The Sixth Schedule would set out the Code of Conduct for political parties. The Seventh Schedule would set out the requirements for a coalition agreement between political parties.

BILL

AN ACT to amend the Representation of the People Act,
Chap. 2:01

[, 2020]

ENACTED by the Parliament of Trinidad and Tobago as Enactment
follows:

1. (1) This Act may be cited as the Representation of Short title
the People (Amendment) Act, 2020.

(2) This Act shall come into operation on such date
as the President may by Proclamation appoint.

Interpretation
Chap, 2:01

2. In this Act, “the Act” means the Representation of the People Act.

Section 2 amended

3. Section 2 of the Act is amended by inserting in the appropriate alphabetical sequence, the following new definitions:

“accountable officer” means the person nominated by a registered political party in accordance with section 30AW(1)(b);

“AML/CFT/PF” means Anti–Money Laundering/ Countering the Financing of Terrorism/ Financing the Proliferation of weapons of mass destruction”;

“anonymous donation” means a donation which the recipient is, for whatever reason, unable to ascertain the identity of the person giving the donation;

“applicant party” means a political party which has applied for registration as a registered political party;

“auditor” means a member of the Institute of Chartered Accountants of Trinidad and Tobago;

“authorised representative” means an officer of a political party designated to perform the functions referred to in section 30E(5);

“campaign” means the carrying out of political activities during a campaign by—

(a) any individual or group acting in support of a registered political party;

(b) a registered political party on behalf of a candidate or anyone who is a member of a registered political party; or

(c) any individual operating as an independent candidate;

“campaign account” means a bank account opened by a candidate or a registered political party for the purposes of depositing contributions or donations received by that candidate or registered political party during a campaign period;

“campaign expenditure” means expenditure for or in connection with promoting or opposing, directly or indirectly, a registered political party or the election of a candidate or candidates or for the purpose of influencing, directly or indirectly, the voting at an election, and which is expenditure of one of the following kinds:

- (a) expenditure on advertisements in radio, television, the internet, cinemas, newspapers, billboards, posters, brochures, how-to-vote cards and other election material;
- (b) expenditure on the production and distribution of election material;
- (c) expenditure on the internet, telecommunications, stationery and postage;
- (d) expenditure incurred in employing staff engaged in election campaigns;
- (e) expenditure incurred for office accommodation for any such staff and candidates (other than for the campaign headquarters of a party or for the electorate office of an elected member);

- (f) expenditure on travel and travel accommodation for candidates and staff engaged in electoral campaigning;
- (g) expenditure on research associated with election campaigns (other than in-house research);
- (h) expenditure incurred in raising funds for an election or in auditing campaign accounts; and
- (i) expenditure of a kind prescribed by Regulations,

but does not include expenditure incurred by an entity or other person, not being a registered political party or a candidate) if the expenditure is not incurred for the dominant purpose of promoting or opposing a registered political party or the election of a candidate or influencing the voting at an election.

“campaign period” means, in relation to—

- (a) a Parliamentary election, the period—
 - (i) commencing on the earlier of—
 - (A) the day immediately following the last day of the period of fifty-four months from the commencement of the term of office of the Government (or such other period as the Commission may, by Order, subject to affirmative resolution, prescribe); or

- (B) the day on which the date for an election is officially announced by or on behalf of the Prime Minister; and
 - (ii) ending twenty-four hours before the time fixed for the opening of the poll on election day;
- (b) a Municipal Council or a Tobago House of Assembly election, the period—
- (i) commencing on the earlier of—
 - (A) the day immediately following the last day of the thirtieth month of the term of office of a Municipal Council or the Tobago House of Assembly (or such other period as the Commission may, by Order, subject to affirmative resolution, prescribe); or
 - (B) the day on which the date for an election to a Municipal Council or the Tobago House of Assembly is officially announced by or on behalf of the Prime Minister; and
 - (ii) ending twenty-four hours before the time fixed for the opening of the poll on election day; and

(c) a by-election of members to the House of Representatives or a Municipal Council or the Tobago House of Assembly, the period—

(i) commencing from the official announcement of the election; and

(ii) ending twenty-four hours before the time fixed for the opening of the poll on election day;

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

(a) is duly nominated by a registered political party or seeks office independently; and

(b) has been issued with a certificate of candidacy by the Commission;

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

“coalition” means an alliance of two or more registered parties formed for the purpose of pursuing a common goal and which is governed by a written agreement deposited with the Commission;

“contribution” means—

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

- (b) any political party subscription;
- (c) a donation that is made or provided to—
 - (i) a registered political party or a candidate;
 - (ii) a group or an organisation that is acting in support of a registered political party or a candidate;
 - (iii) any other person or entity for the purpose of supporting or opposing the candidature of another person or for the purpose of influencing an election; or
 - (iv) any loan of funds for the purpose of supporting or opposing the candidature of another person or for the purpose of influencing an election;

“contributor” means a person who, or an entity that, makes a contribution;

“donation” means—

- (a) any gift to a registered political party or a candidate that consists, whether in whole or in part, of money, property, services, facilities or equipment;
- (b) any sponsorship provided to or for the benefit of a candidate or a registered political party;
- (c) money spent otherwise than by, or on behalf of, a registered political party or a candidate in

paying any expenses incurred directly, or indirectly, by a registered political party or a candidate; or

- (d) any subscription to a political party;

“election advertising” means the transmission to the public by any means during an election period of an advertising message that promotes or opposes a registered party or the election of a candidate, including one that takes a position on an issue with which a registered party or candidate is associated, does not include—

- (a) the transmission to the public of an editorial, a debate, a speech, an interview, a column, a letter, a commentary or news;
- (b) the distribution of a book, or the promotion of the sale of a book, for no less than its commercial value, if the book was planned to be made available to the public regardless of whether there was to be an election;
- (c) the transmission of a document directly by a person or a group to their members, employees or shareholders, as the case may be;
- (d) the transmission by an individual, on a non-commercial basis on the Internet, of his personal political views; or
- (e) the making of telephone calls to electors only to encourage them to vote;

“election period” refers to the period beginning with the date of the issue of the writ for the election and ending with the close of the polls;

“financial year” shall be construed in accordance with section 79 of the Interpretation Act;

“gift” means any disposition of property made by a person to another person, otherwise than by will, being a disposition made without consideration in money or money’s worth or with inadequate consideration, and includes the provision of a service for no consideration or inadequate consideration, other than—

(a) the provision of voluntary labour; and

(b) the provision of voluntary professional services to a party by an officer or an elected member of the party;

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

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

“merger” means where two or more political parties consolidate their operations and combine all officers, structures and other functions of the political parties;

“officer”, in relation to a political party, means the party chairman, the leader, the general secretary, the treasurer, the authorised

representative and any other person designated in accordance with the rules of the political party as an officer, as a member of the executive committee or of any standing committee of the political party;

“overseas person” means a person referred to in section 59J;

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

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

“political party subscription” or “subscription” means any required dues, charges or other fee paid for affiliation to, or membership in, a political party;

“promoter” means a person authorised by a registered political party or candidate to publish an election advertisement on behalf of that party or candidate;

“property” means assets of any kind, whether tangible or intangible, moveable or immovable, however acquired and legal documents or instruments in any form, including electronic or digital, evidencing

title to, or interest in, such assets, including but not limited to cash, bank credits, payment cards, payment instruments, travellers cheques, bank cheques, money orders, shares, securities, bonds, drafts, letters of credit whether situated in Trinidad and Tobago or elsewhere, and includes a legal or equitable interest, whether full or partial, in any such property, precious metals, oil and other natural resources and their refined products, modular refineries and related material and other economic resources which may be used to obtain funds, goods or services;

“Register of Political Parties” or “Register” means the Register established and maintained under section 30B;

“registered political party” means a political party registered in accordance with Part II A [means a political party that is entered in the Register of Political Parties established under section 30B];

“Registrar of Political Parties” means the person holding the Office established under section 30A or any person acting in that capacity;

“reporting period” means the period commencing on the first day of a campaign period and ending [];

“slogan” includes symbol and motto;

“State funding” means the provision by the State of financial and other resources to a registered political party or an independent candidate.”.

Section 3 amended 4. Section 3 of the Act is amended by inserting after subsection 3(1), the following new subsection:

“3 (1A) The Commission shall have, in addition to the functions assigned to it by the Constitution, such functions as are assigned to it by this Act and, in the execution of this Act, such authority of the Commission as is exercised in pursuance of the provisions of the Constitution shall be duly deferred to.”.

New Parts II A, II B and II C inserted 5. The Act is amended by inserting after PART II, the following Parts:

“PART II A

REGISTRATION, DEREGISTRATION, MERGER OR
COALITION OF POLITICAL PARTIES

Office of the Registrar of Political Parties

Office of the Registrar of political parties 30A. (1) There shall be a division of the Commission to be known as the Office of the Registrar of Political Parties.

(2) There shall be a Registrar of Political Parties who shall, subject to any general or special directions of the Commission, perform such functions and duties and exercise such powers of the Commission in such manner as the Commission may from time to time direct.

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

(4) The Registrar of Political Parties shall—

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

the applications to the Commission for consideration;

- (b) verify the particulars of political parties submitted either with an application for registration or periodically and in that regard may request the official records of registered political parties;
- (c) ensure that information is entered in the Register in accordance with the Act and any other written law;
- (d) ensure that the information entered in the Register is accurate;
- (e) keep and maintain an up-to-date Register; and
- (f) perform such other functions as the Commission may determine.

Register of
political
parties

30B. (1) For the purposes of this Part, there shall be established a Register of Political Parties.

(2) The Register shall be in such form as the Commission may determine and shall contain the following particulars in relation to every registered political party:

- (a) its name, address, telephone number and e-mail address;
- (b) the date of the party's application for registration under this Act;

- (c) the party's registration number and the date appearing on the certificate of registration issued under section 30O to the political party;
- (d) the date of the party's renewal of registration and, if applicable, the date on which its registration was cancelled;
- (e) the name, occupation, address, telephone number and e-mail address of—
 - (i) the leader of the party;
 - (ii) the person holding each of the offices recognised by the rules of the political party;
 - (iii) the party's authorised representative; and
- (f) such other information as may be prescribed by Regulations.

(3) A person who has paid the fee prescribed by Regulations may, during normal business hours, examine, make copies of or extracts from, the Register.

(4) The Registrar of Political Parties shall not disclose information under section 30E(2) which is not contained in the Register except—

- (a) to the Commission;

(b) for the purposes of law enforcement for Court proceedings; or

(c) pursuant to an order of the Court.

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

Correction of Register of Political Parties 30C. (1) It shall be the duty of the Registrar of Political Parties to—

(a) recommend to the Commission the removal of any entry from the Register;

(b) amend the Register in accordance with the directions of the Commission;

(c) correct, in accordance with the Commission's directions, any entry in the Register which the Commission directs him to correct as being, in the opinion of the Commission, an entry which was incorrectly made or has become inaccurate; and

(d) make, from time to time, any necessary alterations in any of the particulars mentioned in section 30B(2).

(2) Where the Commission takes any action under subsection (1), the Commission shall, as soon as practicable,

by notice in writing, inform the registered political party concerned of any action taken and the reasons for such action.

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

- (a) error in the Register of which it is aware as it relates to its registration; or
- (b) change in the information entered in the Register that relates to the registered political party.

Registration of Political Parties

Parties to be registered in order to field candidates

30D. (1) Any association or body of individual citizens of Trinidad and Tobago calling itself a political party and intending to avail itself of the provisions of this Part shall make an application to the Commission for its registration as a political party for the purposes of this Act.

(2) Candidates may not be nominated in relation to an election unless those nominations are in respect of—

- (a) candidates who stand for election in the name of a registered political party; or
- (b) candidates who do not purport to represent any political party.

(3) For the purposes of sub section (2)(b), a person does not purport to represent a political party if either—

- (a) the description given in his nomination paper is “Independent”; or

- (b) no description of the candidate is given in his nomination paper.

Application
for
registration
of political
party

30E. (1) Subject to section 30F, the leader of a political party that proposes to operate or function as a registered political party, or the authorised representative of the party, shall apply to the Commission for registration of the applicant party as a registered political party in the prescribed form and manner.

(2) An application for registration under this section shall include the following:

- (a) a form containing—
- (i) the name, address, telephone number and e-mail address of the political party; and
 - (ii) the name, occupation, address, telephone number and e-mail address of the person holding each of the offices recognised by the rules of the political party;
- (b) a copy of the constitution of the political party which shall contain provisions with respect to the matters referred to in the Fourth Schedule;
- (c) the documents and information referred to in the Fifth Schedule;

- (d) an undertaking to be bound by the Code of Conduct for Political Parties set out in the Sixth Schedule;
- (e) a declaration by the leader in the prescribed form that, having considered all of the factors relevant to determining the political party's purposes, one of the party's fundamental purposes is to participate in public affairs by endorsing one or more of its members as candidates and supporting their election;
- (f) a written scheme which sets out the arrangements for regulating the financial affairs of the party for the purposes of the Act in accordance with section 30P;
- (g) a completed AML/CFT/PF risk assessment questionnaire;
- (h) a copy of photo identification of the person leader of the political party or the authorised representative making the application on behalf of the political party in the form of a valid national identification card or passport;
- (i) a fee prescribed by Regulations; and

(j) such other information as may be prescribed by Regulations.

(3) Subject to section 30F, the Commission shall, upon receipt of an application under subsection (1), issue the applicant party with a provisional certificate of registration and thereafter act in accordance with section 30H, 30K, 30L or 30M.

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

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

Application
for
registration
not to be
made during
certain
periods

30F. The Commission shall not accept an application for registration under section 30E during any of the following periods, namely, from the date of the dissolution of Parliament for the holding of a Parliamentary election until the date of the next sitting of Parliament.

Withdrawal
of application

30G. The leader or the authorised representative of a political party that has made an application under section 30E

may withdraw the application, at any time before registration, by sending a signed request to that effect to the Registrar of Political Parties.

Objection to
registration

30H. (1) Subject to subsection (2), the Commission shall, not later than seven days after the receipt of an application under section 30E for registration as a political party, cause a notice of the application to be published in the *Gazette* and in at least one daily newspaper in circulation in Trinidad and Tobago.

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

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

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

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

(4) Except in such exceptional circumstances as may be determined by the Commission in any particular case, an objection under subsection (3) shall not be considered by the Commission if it is made after the expiration of the period stipulated in the notice under subsection (2).

Treatment of
objection to
application
for
registration

30I. (1) Where the Commission receives an objection under section 30H then, unless pursuant to that section consideration of the objection is not permitted, the Commission shall—

- (a) notify the authorised representative of the applicant party of the objection, including the information referred to in paragraphs (b) to (c) of section 30H(3), and request a written response thereto; and
- (b) grant the applicant party fourteen days from the date of receipt of the notification under paragraph (a), within which to respond.

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

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

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

Grounds for
refusal of
registration

30J. (1) The Commission may refuse to register an applicant party under this Part on any of the following grounds:

- (a) the application was not made in accordance with the provisions of the Act or any Rules or Regulations made under the Act;
- (b) the particulars submitted with the application are—
 - (i) inaccurate in a material way and there is a failure to carry out the required corrections within the time specified under section 30K(1)(b) or such longer period as the Commission may, in writing, determine in any case;

- (ii) defective and the defects are not corrected within the time specified in section 30K(1)(b);
- (c) the applicant party has failed to respond in writing to objections made pursuant to section 30H; or
- (d) the name of the applicant party, the abbreviation of the name or the symbol that it wishes to use—
 - (i) is obscene or offensive;
 - (ii) may incite hatred or violence; or
 - (iii) is so similar to the name of a registered political party as to be likely to mislead or confuse members of the public or is otherwise likely to result in confusion.

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

- (a) is the same as the identifying slogan, colour or name of any one or more of the other applicant parties; or
- (b) so closely resembles the identifying slogan, colour or name of any one or more of

the other applicant parties, as the case may be, as to be likely to mislead or confuse members of the public or is otherwise likely to result in confusion,

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

Defective
applications

30K. (1) Where an application for registration under section 30E is defective, the Commission shall, no later than fourteen days after receipt of the application—

- (a) notify the authorised representative of the applicant party in writing of the defect; and
- (b) grant the applicant party fourteen days from the date of receipt of the notice under paragraph (a), or such longer period as the Commission may in writing determine, to correct the defect.

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

- (a) it is incomplete; or

(b) the particulars submitted pursuant to section 30E are inaccurate.

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

Investigation
by
Commission

30L. (1) The Commission may cause an investigation to be carried out to ascertain the truthfulness or accuracy of the particulars submitted with an application pursuant to section 30E.

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

(a) notify the authorised representative of the applicant party in writing of the preliminary finding; and

(b) grant the applicant party fourteen days, or such longer period as the Commission may in writing determine, within which to respond to the Commission.

(3) The Commission shall not register an applicant party where—

(a) after considering the response of the applicant

party, the Commission is satisfied that the particulars submitted with the application for registration are materially false; or

- (b) the applicant party fails to respond to the preliminary finding within the time granted under subsection (2)(b) or such longer period referred to therein.

Re-application
permitted
after
withdrawal

30M. Where under section 30K(3), an application is considered to have been withdrawn, the applicant party may submit a new application for registration.

Registration
of political
parties

30N. (1) The Commission shall register a political party if it is satisfied that—

- (a) the applicant party has met the requirements of the Act or any Rules or Regulations made under the Act;
- (b) the name and any short-form name, abbreviation or logo used or proposed to be used by the applicant party is not similar to the name, short-form name, slogan or logo of a registered political party that it would, in the opinion of the Commission, be likely to be confused with it; and
- (c) the applicant party has provided the information required under this Part and that the information is accurate.

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

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

(3) Where the Commission registers a political party under the Act, it shall publish the fact of the registration of the political party in the *Gazette* and at least one daily newspaper in circulation in Trinidad and Tobago.

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

- (a) the name;
- (b) any identifying symbol, slogan or logo; and
- (c) any identifying colour proposed to be used by the political party.

Effective date of registration 300. The effective date of registration of an applicant party as a political party under the Act shall be the date on which the Commission issues the certificate of registration under this Part in respect of the political party.

Financial structure of political party 30P. (1) A party shall not be registered unless it provides the Commission with a written scheme which

sets out the arrangements for regulating the financial affairs of the party for the purposes of the Act.

(2) The scheme shall be approved by the Commission in writing and must provide the particular information relating to—

- (a) the organisation of the party;
- (b) the division with responsibility for the financial affairs and transactions of the party;
- (c) the number of accounting units;
- (d) whether there are any affiliate organisations with responsibility for its own financial affairs;
- (e) the name of the central organisation and each other affiliate organisation, by reference to the constitution of the party, and their respective accounting units; and
- (f) such other information as may be prescribed by Rules or Regulations.

(3) For the purposes of this section, “constitution”, in relation to a political party, means the document or documents by which the structure and organisation of the party is determined.

Approval of financial scheme by Commission 30Q. (1) Where a scheme is submitted by a party for the approval of the Commission, the Commission may either—

- (a) approve the scheme; or

(b) give the party notice requesting a revision to the scheme as it thinks fit.

(2) If, under subsection (1), the Commission requests the party to submit a revised scheme, it shall specify—

(a) any matters which should be dealt with in the revised scheme; and

(b) any modifications which ought to be incorporated.

(3) If, at any time, after registration a party wishes to replace a scheme, for the time being approved by the Commission, it shall notify the Commission and resubmit for its approval a draft replacement scheme.

Statement of
assets and
liabilities

30R. (1) Within six months after becoming a registered political party, the accountable officer of a registered political party shall provide the Commission with—

(a) a statement, prepared in accordance with generally accepted accounting principles, of its assets and liabilities, including any surplus or deficit, as of the day before the effective date of the registration;

(b) a report on that statement made by the registered political party's auditor to its accountable officer that contains the auditor's opinion as to whether that

statement presents fairly and in accordance with generally accepted accounting principles the information on which it is based; and

- (c) a declaration in the prescribed form by the accountable officer that the statement is complete and accurate.

(2) If, at any time, there is a change in the information submitted to the Commission under subsection (1), the accountable officer of the registered political party shall within thirty days of such change, notify the Commission in writing.

(3) Where the Commission receives a notification under this section, any change required as a consequence of the notification shall be made in the Register as soon as is reasonably practicable.

Minimum
number of
officers

30S. (1) Subject to subsection (3), a registered political party and an applicant party shall have at least three officers in addition to the leader of the party.

(2) Only a person who is an elector and whose ordinary residence is in Trinidad and Tobago is eligible to be an officer of a registered political party or an applicant party.

(3) In the event of the death, incapacity, resignation or ineligibility of an officer of a registered political party or an applicant party, or the revocation of

the appointment of one, the party shall, if the remaining number of officers is less than four, appoint a replacement within thirty days.

(4) Within thirty days after the day on which the replacement is appointed, the registered political party or applicant party shall inform the Commission of the appointment.

Disqualifica-
tion of officer
of a political
party

30T. A person who—

- (a) is sentenced to imprisonment or is convicted of an offence involving fraud or dishonesty, whether in Trinidad and Tobago or elsewhere;
- (b) is found guilty of an offence under this Act;
- (c) is less than eighteen years of age;
- (d) is mentally ill, within the meaning of the Mental Health Act; or
- (e) is an undischarged bankrupt, having been adjudged or otherwise declared bankrupt under any law in force in Trinidad and Tobago or elsewhere,

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shall be disqualified from holding an office in a registered political party.

Minimum
number of
members

30U. (1) A registered political party or an applicant party shall have at least one hundred members who are electors.

(2) On or before 1st of October of every year, a registered political party and an applicant party shall provide the Commission with the names and addresses of one hundred electors and their declarations in the prescribed form that they are members of the party.

Confirmation
of
information
at
parliamen-
tary election

30V. A registered political party and an applicant party shall, not later than fourteen days days after the issue of the writ for a Parliamentary election, provide the Commission with—

- (a) a statement certified its leader confirming the validity of the information concerning the party in the Register of Political Parties; or
- (b) if there is a change in that information, a report of the change.

Confirmation
of
registration
information
annually

30W. On or before thirty days a registered political party shall provide the Commission with—

- (a) a statement certified by its leader confirming the validity of the information concerning that party in the Register of Political Parties; and
- (b) if there is a change in that information, a report of the change.

Renewal of
registration

30X. (1) A certificate of registration issued under section 30N(2)(b) is valid for a period of six years from the date of issue.

(2) A political party shall apply in the form prescribed by Regulations to the Commission for the renewal of its certificate of registration no later than one month after the certificate expires.

(3) A political party that submits an application for renewal shall pay a fee prescribed by Regulations and may continue to operate until a decision is made by the Commission.

Removal from Register 30Y. Once a political party is registered, the entry of that party may only be removed from the Register where—

- (a) the party applies to have its entry removed; or
- (b) the Commission removes the entry for failure to comply with any of the requirements of the Act.

Independent candidates 30Z. (1) A person who stands as an independent candidate for an election shall, no later than fourteen days after the close of the polls at the election, submit to the Commission a record of—

- (a) all money paid or other property transferred to him during the relevant period;
- (b) the identity of the person who paid the money or transferred the property; and
- (c) all expenditure incurred by him during the relevant period in accordance with this Act and Regulations.

(2) The following provisions apply to an independent candidate as they apply to a registered political party and for the purposes of such application, any reference to a registered political party or an officer of a registered political party shall be construed as a reference to the independent candidate:

(3) For the purposes of subsection (1), it is immaterial that the money is paid or other property transferred by way of a loan or other temporary arrangement.

False
information,
obstruction of
Registrar of
Political
Parties

30AA. A person who—

- (a) for the purpose of obtaining the registration of a political party, wilfully—
 - (i) furnishes any false or misleading information;
 - (ii) makes any false declaration; or
 - (iii) forges or otherwise submits any document which he knows is false or misleading,
 to the Commission;
- (b) without reasonable cause, fails to furnish the Commission with any information, document or extract when required or within the time required;
- (c) obstructs the Registrar of Political Parties in the performance of his functions under this Act;

commits an offence and is liable on summary conviction to a fine of fifty thousand dollars and to imprisonment for two years.

Misrepresentation of status 30AB. A person who, knowing that a political party is not registered—

- (a) makes any representation to the effect that the political party is registered; or
- (b) publishes any document that indicates or implies that the party is registered,

commits an offence and is liable on summary conviction to a fine of fifty thousand dollars and to imprisonment for two years.

Deregistration of Political Parties

Voluntary deregistration of registered political party 30AC. Upon application for deregistration being jointly made in the prescribed manner by the leader and the authorised representative of a registered political party, the Commission may deregister the registered political party in accordance with the provisions of this Part.

Commission may deregister registered political party 30AD. Subject to the provisions of this Part, the Commission may deregister a registered political party—

- (a) where the party fails to—
 - (i) comply with any provision or requirement of this Part or any Rules or Regulations made under the Act;

- (ii) file with the Commission any information reasonably required by the Commission to clarify or verify the information contained in a statement or return or any other information filed by the political party under the Act;
 - (iii) submit the annual financial reports in accordance with section 30AX(1);
 - (iv) submit the financial records to the Auditor General in accordance with section 30AY(2);
- (b) where the Commission discovers any fact, which had it been known prior to the issuance of the certificate of registration, the Commission would have refused to register the political party;
- (c) where the political party has not nominated a candidate for three consecutive elections since the time of its first registration under the Act as a registered political party; or

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

Notice of
proposal to
deregister

30AE. (1) Where the Commission proposes to deregister a registered political party under section 30AD, the Commission shall send written notice of the proposed deregistration by prepaid post or personal delivery to the leader and the authorised representative of the registered political party, and any one of the persons so named may, within thirty days of receiving the notice from the Commission, file a written objection to the proposed deregistration.

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

- (a) objection to the deregistration to be lodged as specified under subsection (1); or
(b) rectification under section 30AF to be made where possible.

Avoiding
deregistration

30AF. (1) Within sixty days of receiving the notice of its proposed deregistration a registered political party may, where possible, rectify the breach specified in the notice.

(2) Where the Commission is satisfied that the breach has been rectified, it shall not deregister the registered political party.

Meeting concerning proposed deregistration 30AG. Where a registered political party files a written objection to its proposed deregistration, the Commission shall provide an opportunity for the leader and the authorised representative of the political party to meet with the Commission for the purpose of challenging the grounds for the proposed deregistration.

Decision concerning deregistration 30AH. Where a meeting is held under section 30AG and the Commission is satisfied that the circumstances of the registered political party fall within one or more of the grounds for deregistration specified in section 30AD, the Commission may deregister the political party.

No deregistration during campaign period 30AI. The Commission shall not deregister a registered political party during the period starting from the date of announcement of an election to the date of the election.

Effect of deregistration and notice of deregistration 30AJ. (1) Where a registered political party is deregistered, its registered associations are also deregistered.

(2) The Commission shall, without delay, cause a notice of deregistration of a political party and of its registered associations to be—

- (a) sent by prepaid post or personally delivered to the registered address of the political party; and
- (b) published in the *Gazette* and at least one daily newspaper in circulation in Trinidad and Tobago.

Effective date of deregistration 30AK. The effective date of deregistration of a registered political party is the date on which a notice of deregistration pursuant to section 30AJ(2) appears in the *Gazette*.

Preservation of name 30AL. For a period of thirty days after the deregistration of a political party—

- (a) no application for another political party to become a registered political party shall be accepted if the application would permit another political party to use a name, short-form name, abbreviation or logo that would, in the Commission's opinion, likely to be confused with that of the deregistered political party; and
- (b) if a new application is made for the registration of the deregistered political party under the name, short-form name, abbreviation or logo that it had at the time of its deregistration, the Commission shall not refuse the application on the ground that it does not comply with section 30O(1)(b).

Continuation of registered status for limited purposes 30AM. The accountable officer of a political party shall, within six months after the date of its deregistration, provide the Commission with—

- (a) financial reporting documents for—

- (i) the portion of its current fiscal period ending on the date of its deregistration; and
- (ii) any earlier fiscal period for which those documents have not already been provided in accordance with section 30R; and

(b) the documents referred to in sections 30AW, 30AX and 30AY for any general election for which those documents have not already been provided under that section.

Appeals

30AN. (1) A political party whose application for registration is refused under section 30J may appeal that decision to a Judge of the High Court.

(2) A political party whose renewal of registration is refused under section 30X may appeal that decision to a Judge of the High Court.

(3) A political party who is deregistered under section 30AD may appeal that decision to a Judge of the High Court.

Meger or Coalition of Political Parties

Application for merger of registered parties

30AO. (1) Two or more registered parties may, at any time other than the period beginning thirty days before the

issue of a writ for an election and ending on polling day, apply to the Commission to become a merged registered political party.

(2) An application to merge two or more registered parties shall—

- (a) be certified by the leaders of the merging parties;
- (b) be accompanied by a resolution from each of the merging parties approving the proposed merger; and
- (c) contain the information required from a political party to become a registered political party.

(3) The executive of each registered political party that intends to merge under subsection (1) shall—

- (a) determine the constitution, rules, regulations and the principles which shall form the basis of the merger and the registration of the new political party; and
- (b) sign the resolution to be deposited with the Commission.

Registration
for eligible
merged
parties

30AP. (1) The Commission shall amend the Register of Political Parties by replacing the names of the merging parties with the name of the merged party if—

- (a) it is satisfied that the merged party is eligible for registration under this Part;

- (b) the merging parties have discharged their obligations under the Act, including their obligations to report on their financial transactions and their election expenses and to maintain valid and up-to-date information concerning their registration; and
- (c) the application for the merger was not made in the period referred to in section 30F.

(2) The Commission shall notify the officers of the merged parties in writing whether the Register of Political Parties is to be amended under subsection (1).

Effective date
of merger and
consequences
of merger

30AQ. (1) A merger of registered parties takes effect on the date on which the Commission amends the Register of Political Parties under section 30AP.

(2) On the merger of two or more registered parties—

- (a) the merged party is the successor of each merging party;
- (b) the merged party becomes a registered political party;
- (c) the assets of each merging party are transferred to the merged party;
- (d) the merged party is responsible for the liabilities of each merging party;

- (e) the merged party is responsible for the obligations of each merging party to report on its financial transactions and election expenses for any period before the merger took effect;
- (f) the merged party replaces a merging party in any proceedings by or against a merging party; and
- (g) any decision of a judicial or a quasi-judicial nature involving a merging party may be enforced by or against the merged party.

(3) On the merger of registered parties, any registered association of a merging party is deregistered and may transfer goods or funds to the merged party or a registered association of the merged party in the six months immediately after the merger.

(4) Any transfer referred to in subsection (3), is not a contribution for the purposes of the Act.

Notice of
merger

30AR. Where the Commission amends the Register of Political Parties, the Commission shall cause to be published in the *Gazette* and at least one daily newspaper in circulation in Trinidad and Tobago, a notice that the names of the merging parties have been replaced in the Register with the name of the merged party.

Coalitions

30AS. (1) Two or more registered parties may form a coalition before or after an election and shall deposit with the Commission a signed agreement certifying their intention to form a coalition.

(2) A coalition agreement entered into before an election shall be deposited with the Commission at least three months before the date of that election.

(3) A coalition agreement entered into after an election shall be deposited with the Commission within twenty-one days of the signing of the coalition agreement.

(4) Each party to a coalition agreement shall remain a separate registered political party for the purposes of the Act.

(5) A coalition agreement shall set out the matters specified in the Seventh Schedule.

Changes or Alterations

Changes or alterations to identifying symbols etc.

30AT. (1) A registered political party shall not make any changes or alterations to its name or any material changes to any identifying symbol, slogan or colour except in accordance with this section.

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

(3) The Commission shall, within fourteen days of the date of receipt of the application, cause a notice of the proposed change or alteration to be published in the *Gazette* and in at least one daily newspaper in circulation in Trinidad and Tobago inviting objections from any person within a period of thirty days from the date of publication of such notice concerning the change or alteration.

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

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

- (a) any objection made to the change or alteration pursuant to subsection (3) is not upheld by the Commission;
- (b) the change or alteration is not such that, had it been part of the particulars for registration of the political party, it would have caused the application to have been refused; or

- (c) any inquiry by the Commission pursuant to subsection (4) does not satisfy the Commission that the application should be refused.

Objection to
change or
alterations

30AU. (1) Where the Commission receives an objection within thirty days of the publication of a notice under section 30AT(3), the Commission shall—

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

(2) Where—

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

the Commission shall refuse the application to amend the Register.

Inquiry by
Commission

30AV. (1) Where, pursuant to an inquiry under section 30AT(4), the Commission makes a preliminary determination that the change or

alteration applied for by a registered political party should not be made to the Register, the Commission shall—

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

(2) Where—

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

the Commission shall refuse to change or alter the Register.

PART II B

ACCOUNTS, RETURNS AND AUDIT OF REGISTERED

Political Parties

Duty to keep
accounting
records

30AW. (1) The executive officers of every registered political party shall—

- (a) cause to be kept and maintained proper books, accounts and records with respect to the party which—

- (i) are sufficient to disclose, with reasonable accuracy, the financial position of the registered political party;
 - (ii) conform to internationally recognized accounting standards, principles and practices;
- (b) nominate an officer of the party to be designated as the "accountable officer", who shall—
 - (i) certify all returns and financial statements;
 - (ii) be responsible to the Commission for all financial affairs of the registered political party;
- (c) cause to be filed with the Commission an annual financial report of the registered political party; and
- (d) cause notification to be provided to the Commission of all financial institutions in which the registered political party maintains accounts and the nature and purpose of the accounts.

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

Duty to
submit
annual
returns

30AX. (1) Every registered political party shall, on or before the 30th of September every year, prepare and submit to the Commission for the preceding financial year of that political party—

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

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

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

- (a) any report or statement under subsection (1); or
- (b) the accounting records referred to in section 30AW(1)(a),

commits an offence and is liable on summary conviction to a fine of fifty thousand dollars.

Audit

30AY. (1) The accounts of every registered political party shall be audited annually by the Auditor General.

(2) The Auditor General shall have access to all books of accounts, records, documents, assets and information held by a registered political party.

(3) Nothing in subsection (1) precludes the Auditor General from performing a management or comprehensive audit of the operations and activities of a registered political party.

(4) On completion of any audit of a registered political party, the Auditor General shall immediately draw the attention of the Commission to any irregularity disclosed by the audit which, in the opinion of the Auditor General, is of sufficient importance to justify doing so.

(5) The Auditor General shall submit to the Commission a report on the results of the annual audit.

PART II C

STATE FUNDING OF POLITICAL PARTIES

State funding
of political
parties

30AZ. (1) Every registered political party that—

- (a) meets the requirements of section 30AW; and
- (b) meets the requirements of section 30AX(1) within one hundred and twenty days of the end of the financial year of the registered political party,

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

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

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

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

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

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

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

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

Allocation of State funding 30AAA. The funds allocated to a registered political party shall be used solely and exclusively for—

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

Obligations of registered political party that qualifies for State funding 30AAB. (1) Every registered political party that qualifies for State funding shall—

- (a) hold elections of officers as prescribed by its constitution;
- (b) maintain and submit annually to the Commission, on the anniversary of its registration, a current list of—
 - (i) all officers;
 - (ii) all members of the executive committee or members of the party with equivalent status;
 - (iii) Members of Parliament and Councillors;
 - (iv) candidates for election or chairperson for each constituency who are in place;
- (c) submit to the Commission the names of all affiliates that the party funds and a list of all persons who are officers of the party affiliates;
- (d) submit annual budgets to its members at its annual general meeting;
- (e) submit audited financial reports to its members at its annual general meeting; and

- (f) keep such books, documents or records as may be prescribed.

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

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

Suspension of State funding 30AAC. (1) Where a political party that has received State funding—

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

it ceases to be entitled to receive State funding in accordance with section 30AAB(2), and the Commission may suspend the payment of State funding to that political party in accordance with this section.

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

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

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

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

Disqualifica- 30AAD. (1) The Commission may
tion from disqualify a political party from receiving
receiving State funding if it is satisfied that—

- (a) the political party has ceased to be entitled to

receive State funding in accordance with section 30AAB(2);

(b) the Commission has exercised its power of suspension under section 30AAC; and

(c) the political party has failed to remedy the breach which gave rise to the suspension of State funding, within the time specified in a notice under section AAC(2).

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

Commission
to keep
records

30AAE. The Commission shall keep such records of State funding granted under this Act as may be prescribed.”.

New sections 43A
and 43B inserted

6. The Act is amended by inserting after section 43, the following sections:

“Use of State
media

43A. (1) A registered political party or candidate shall have a right of access to and use of the State media, both print and electronic, on terms and conditions no less favourable than those accorded to any other political party or candidate.

(2) Without limiting the scope of subsection (1), direct access programmes should be granted on a fair and non-discriminatory basis and aired at times when the broadcasts are likely to reach the largest audiences.

(3) The State media have a duty to be balanced and impartial in their reporting and not be biased in favour of, or against, any political party or candidate.

(4) The disproportionate use of the State media by one political party or candidate to the disadvantage of other political parties or candidates may, for the purposes of this Act be regarded as—

- (a) a donation from an impermissible donor; or
- (b) an election advertisement from an ineligible promoter.

(5) The Commission may set up guidelines to regulate the amount of time that may be allotted to any one political party or candidate.

Non-State
Media

43B. (1) Non-State media operatives shall, in terms of air time, accord to a political party or candidate treatment no less favourable than that accorded to any other political party or candidate.

(2) Without limiting the scope of subsection (1), air time made available to a political party or candidate must be made available on financial terms no less favourable than those granted to any other political party or candidate, as the case may be.

(3) The Commission may set up guidelines to regulate the amount of time that may be sold to any one person for or on behalf of a political party or candidate.”.

Section 48 repealed 7. Section 48 of the Act is repealed.

New Part IV A inserted 8. The Act is amended by inserting after Part IV, the following Part:

“ PART IV A

DONATIONS AND CAMPAIGN FINANCING

National Election Campaign Fund 59A. (1) For the purposes of this Act, there is established a fund to be called the National Election Campaign Fund (hereinafter referred to as “the Fund”).

(2) The Fund shall be held and applied for the purpose of—

(a) accepting and receiving contributions from—

(i) individuals;

(ii) companies and other entities;

(iii) Trinidad and Tobago Diaspora groups;

(b) making contributions to candidates and registered political parties; and

(c) promoting the active participation of citizens in the electoral process.

Management of the Fund 59B. (1) Subject to the directions of the Commission, the Chief Election Officer shall be responsible for the management and administration of the Fund.

(2) Moneys in the Fund that are not immediately required for its purposes may be invested by the Commission as it thinks fit.

(3) All moneys forming part of the Fund shall, pending the investment or application thereof in accordance with the Regulations, be paid or transferred into a bank in Trinidad and Tobago registered under the Financial Institutions Act.

Chap. 79:09

Moneys
constituting
the Fund

59C. The Fund shall consist of—

(a) Moneys contributed to it by—

- (i) sums appropriated by Parliament;
- (ii) individuals;
- (iii) companies and other entities;
- (iv) Trinidad and Tobago Diaspora groups; and

(b) Interest and profits accruing from the investment of the moneys.

Accounts of
Fund

59D. (1) The Chief Election Officer shall cause proper accounts of the Fund to be kept, shall prepare annually a statement of accounts in a form satisfactory to the Commission and conforming to generally accepted accounting principles in Trinidad and Tobago.

(2) The accounts of the Fund shall be audited annually by an auditor appointed by the Commission.

(3) The Auditor General shall be entitled at all times to examine the accounts of the Fund.

Disbursements
from the
Fund

59E. (1) Subject to the provisions of this section, the moneys in the Fund shall be disbursed to candidates within one hundred and eighty days after an election is held, for the purposes of reimbursing expenses incurred by the candidates in their election campaigns.

(2) Subject to the provisions of this section, the total amount to be disbursed to a candidate shall be determined by applying the following formula:

$$\frac{A}{B} \times C$$

where—

A is the number of votes cast for that candidate in the election;

B is the total number of votes cast in that constituency in the election;

C is the total amount allocated from the Fund to that constituency for the election, such allocation being on the basis that each constituency shall be allocated an equal amount.

(3) No moneys shall be disbursed to a candidate from the Fund unless the candidate has complied with the obligations under this Part to the satisfaction of the Commission.

(4) The total disbursement to a candidate who is qualified to receive moneys from the Fund together with any

funding provided to the candidate pursuant to Part IIC of this Act, shall not exceed forty percent of the lesser of—

- (a) the total expenditure which that candidate was permitted to incur within the campaign period in accordance with section 59R; or
- (b) the actual expenditure incurred by the candidate within the campaign period, as reflected in the candidate's election return made under section 59R.

(5) A candidate may, by notice in writing to the Commission, elect not to receive moneys from the Fund in respect of expenses he incurred during the campaign period.

Contributions
by persons
who have
government
contracts

59F. (1) Where a person, company or other entity makes a contribution to a registered political party or a candidate, in excess of the amount prescribed in subsection (3), during the reporting period and, within two years before making the contribution, had entered into a Government contract having a contract value in excess of the prescribed value, the person, company or other entity shall declare the contribution to the Commission in the prescribed manner no later than fourteen days after making the contribution.

(2) Where a person, company or other entity makes a contribution to a registered political party or a candidate,

in excess of the amount prescribed in subsection (3), during the reporting period and, within two years after making the contribution, enters into a contract having a contract value in excess of the prescribed value, the person, company or other entity shall declare the contribution to the Commission in the prescribed manner no later than fourteen days after entering into the Government contract.

(3) A person, company or other entity makes a contribution less than fifty thousand dollars or such amount as may be prescribed, to a registered political party or a candidate during the reporting period in accordance with subsections (1) and (2), shall not be required to declare that contribution to the Commission.

(4) For the purposes of this section, “prescribed value” means the amount of two million dollars.

(5) The Minister may, on the recommendation of the Commission, by Order subject to affirmative resolution of Parliament, amend—

- (a) the prescribed amount in subsection (3); and
- (b) the prescribed value in subsection (4).

Tax
deductible
expenses

59G. Any contribution that is made by a contributor during a reporting period, other than a contribution by an impermissible contributor or a contribution that exceeds the limits specified in section 59L, shall be regarded as a tax deductible expense for the purposes of the Income Tax Act.

Permissible
donors

59H. (1) A registered political party shall not accept a donation offered by a person who is not a permissible donor within the meaning of this Part.

(2) For the purposes of this Part, the following are permissible donors:

- (a) a citizen of Trinidad and Tobago who is over eighteen years of age and registered as an elector;
- (b) a registered political party;
- (c) a society registered under the Friendly Societies Act; Chap. 32:50
- (d) a Building Society registered under the Building Societies Act; Chap. 33:04
- (e) a company which carries on business wholly or partly in Trinidad and Tobago and is incorporated under the Companies Act; Chap. 81:01
- (f) a partnership within the meaning of the Partnership Act; Chap. 81:02
- (g) a firm or individual registered in accordance with the Registration of Business Names Act; Chap. 82:85
- (h) a trade union registered under the Trade Unions Act; Chap. 88:02
- (i) a non-profit organisation registered in accordance with the Non-Profit Organisations Act; and Act No.7 of 2019
- (j) any unincorporated association of two or more persons which carries on business or other

activities wholly or mainly in Trinidad and Tobago and whose main office is located in Trinidad and Tobago.

Anonymous
donations

59I. (1) If an anonymous candidate donation exceeding fifty thousand dollars is received by a candidate, the candidate must, within twenty working days of receipt of the donation, pay to the Commission the amount of the donation, or its value, less fifty thousand dollars.

(2) If an anonymous party donation exceeding fifty thousand dollars is received by a party secretary, the party secretary must, within twenty working days of receipt of the donation, pay to the Commission the amount of the donation, or its value, less fifty thousand dollars.

(3) All amounts received by the Commission under this section must be paid into the Consolidated Fund.

Overseas
donation or
contribution

59J. (1) For the purposes of this section, overseas person means—

- (a) an individual who—
 - (i) resides outside Trinidad and Tobago; and
 - (ii) is not a citizen of Trinidad and Tobago or registered as an elector; or
- (b) a body corporate incorporated outside Trinidad and Tobago; or

- (c) an unincorporated body that has its head office or principal place of business outside Trinidad and Tobago.

(2) If a candidate receives from an overseas person a donation that either on its own or when aggregated with all other donations made by or on behalf of the same overseas person for use in the same campaign exceeds ten thousand dollars, the candidate shall, within twenty working days of receipt of the donation—

- (a) return to the overseas person the total amount donated by the overseas person, or its value, less ten thousand dollars ; or
- (b) if this is not possible, pay the total amount donated by the overseas person, or its value, less ten thousand dollars to the Commission.

(3) If a party secretary receives from an overseas person a donation that either on its own or when aggregated with all other donations made by or on behalf of the same overseas person during the same year ending 31st December exceeds ten thousand dollars, the party secretary must, within twenty working days of receipt of the donation—

- (a) return to the overseas person the total amount donated by the overseas person, or its value, less ten thousand dollars; or

- (b) if this is not possible, pay the total amount donated by the overseas person, or its value, less ten thousand dollars to the Commission.

(4) If a candidate or party secretary receives, from a donor who is not an overseas person (as defined in subsection (1)), a donation funded from contributions that includes any contribution exceeding ten thousand dollars made by or on behalf of an overseas person or any contributions made by or on behalf of the same overseas person that when aggregated exceed ten thousand dollars, the candidate or party secretary must, within twenty working days after notification of that fact under subsection (3)—

- (a) give back to the donor the amount of the donation, or its value; or
- (b) if this is not possible, pay the amount of the donation, or its value, to the Commission.

(5) All amounts received by the Electoral Commission under subsection (2) or (4) shall be paid into the Consolidated Fund.

Return of
donations

59K. (1) Donations, in cash or kind and whether made directly or indirectly, to or for the benefit of a political party or a candidate are prohibited from—

- (a) any foreign or Commonwealth government, or any agent of such government, whether directly or indirectly;

- (b) a governmental entity, State body, public company or legal person vested with public powers;
- (c) an entity whose existence or its activities are illegal under any law;
- (d) a person or an entity who makes the contribution through an intermediary; and
- (e) a person or an entity who uses a false identity in making the contribution.

(2) A person who makes a donation to a political party or a candidate which includes a contribution from a non-permissible donor commits an offence and on conviction is liable to a fine of fifty thousand dollars or to imprisonment for two years;

(3) A person who contravenes subsection (1) commits an offence and on conviction is liable to a fine of fifty thousand dollars or to imprisonment for two years.

(4) Nothing in this section precludes a government of any country or a non-governmental organization from providing assistance in cash or in kind to the Commission for use by the Commission for the collective benefit of registered political parties.

Public
disclosure
requirements

59L. (1) Donations made to a registered political party by an individual which total more than fifty thousand dollars in any financial year must be publicly disclosed by the accountable officer within thirty days after the close of each financial year.

(2) Donations made to a registered political party by any organization or corporate body which total more than ten thousand dollars in any financial year must be publicly disclosed by the accountable officer within thirty days after the close of each financial year.

(3) Published information concerning donations should clearly identify the donor, specify the nature and amount of that donation or its cash value and state the dates when made.

Obligation of
donor and
donation
reports

59M. (1) Where a donor causes a donation to be received by a registered political party, he must ensure that the party is given all relevant details so as to enable it to comply with the requirements of this Part.

(2) The accountable officer of a registered political party must provide the Chief Election Officer with a quarterly donation report which contains information as may be prescribed concerning all disclosable donations received.

Public
register of
disclosable
donations

59N. (1) In an election period, every registered political party must report to the Chief Election Officer information concerning disclosable donations within seven days of receipt.

(2) The Chief Election Officer shall cause to be maintained in such form as the Commission may determine a Public Donation Register which shall contain a record of all disclosable donations made during an election period.

Declaration
to accompany
donation
report

59O. (1) Every donation report sent to the Chief Election Officer must be accompanied by a declaration in the prescribed form made by the accountable officer of the party to the effect that—

- (a) all donations received were from a permissible donor; and
- (b) no donations except those contained in the report were received.

(2) The accountable officer of a registered political party commits an offence if he fails to comply with the requirements of this Part or makes a false declaration in any respect and is liable on summary conviction to a fine of fifty thousand dollars or to imprisonment for two years.

Restriction on
incurring
expenditure

59P. (1) No campaign expenditure shall be incurred by or on behalf of a registered political party unless is incurred with the authority of the accountable officer or a person authorised in writing by the accountable officer.

(2) A person who, without reasonable excuse, incurs any expense in contravention of subsection (1), commits an offence and is liable on summary conviction to a fine of fifty thousand dollars or to imprisonment for two years.

Return as to
campaign
expenditure

59Q. (1) The accountable officer of a registered political party shall prepare in the prescribed form a return as to campaign expenditure incurred by or on behalf of the party during the relevant election period.

(2) A return submitted under this section shall include the following:

- (a) a statement of all payments made in respect of campaign expenditure by or on behalf of the party during the relevant election period;
- (b) a statement of all unpaid claims, if any;
- (c) copies of all invoices and receipts relating to payments mentioned in paragraphs (a) and (b),

and must be delivered to the Chief Election Officer not more than six weeks after the election and signed by the accountable officer.

(3) The return required to be submitted under subsection (2) must be accompanied by a declaration stating that the accountable officer has examined the return and to the best of his knowledge and belief it is complete and correct and all expenses shown in it as paid, have been paid by him.

(4) A person commits an offence if he knowingly or recklessly makes a false declaration under this section and is liable on summary conviction to a fine of fifty thousand dollars or to imprisonment for two years.

Public
inspection of
returns of
campaign
expenditure

59R. The Commission shall, as soon as is reasonably practicable after receiving a return made under section 59K, make a copy available for public inspection.

Election
advertis-
ment
requirements

59S. (1) A promoter shall not, during a campaign period, publish or cause or permit to be published, any election advertisement unless the advertisement contains a statement setting out the name and address of the promoter.

(2) A promoter shall not, during a campaign period, publish or cause or permit to be published, any election advertisement that encourages or persuades, or appears to encourage or persuade, voters to vote for a political party unless the publication of the advertisement—

(a) is authorised in writing by the authorised representative of the political party; and

(b) contains a statement setting out the name and address of the promoter.

(3) A promoter shall not publish, or cause or permit to be published, an election advertisement that encourages or persuades, or appears to encourage or persuade, voters to vote for a candidate unless the publication of the advertisement—

(a) is authorised in writing by or on behalf of the candidate; and

(b) contains a statement that sets out the name and address of the promoter of the advertisement.

(4) A promoter who publishes an elections advertisement in contravention of this section commits an offence and is liable on summary conviction to a fine of fifty thousand dollars or to imprisonment for two years.

Authorisation
of election
advertis-
ment

59T. (1) A registered political party or a candidate shall not authorise the publication of an election advertisement unless the promoter of the advertisement is an eligible promoter within the meaning of this Part.

(2) Where a registered political party or a candidate authorises the publication of an election advertisement and the promoter of the advertisement is not an eligible promoter within the meaning of this Part, the registered political party and the members of the executive or the candidate, as the case may be, each commits an offence and is liable on summary conviction to a fine of fifty thousand dollars.

Eligible
promoters

59U. Election advertisements shall not be published by any person who is not a permissible donor.

Publication
without
authorisation

59V. (1) Where an election advertisement that encourages or persuades, or appears to encourage or persuade, voters to vote for a registered political party is published without the authorisation of

the registered political party as required by section 59S(2), the political party shall—

- (a) in writing, notify the Commission of that fact; and
- (b) jointly with the Commission issue a statement in the print and electronic media, stating that the advertisement was not authorised by the registered political party.

(2) Where an election advertisement that encourages or persuades, or appears to encourage or persuade voters to vote for a candidate is published without the authorisation of the candidate as required by section 59S(3), the candidate shall—

- (a) in writing, notify the Commission of that fact; and
- (b) jointly with the Commission issue a statement in the print and electronic media, stating that the advertisement was not authorised by him.

Offence to
fraudulently
claim
authorisation

59W. A promoter who publishes an election advertisement which fraudulently states that it has been authorised by a registered political party or candidate commits an offence and is liable on summary conviction to a fine of fifty thousand dollars or to imprisonment for two years.

Defence

59X. In proceedings under this Part in relation to a contravention of a provision of this Part committed by the publication of an election advertisement, it is a defence if the defendant proves that he—

- (a) is a person whose business it is to publish or arrange for the publication of advertisements;
- (b) received the advertisement for publication in the ordinary course of business; and
- (c) did not know and had no reason to suspect that its publication would amount to a contravention of a provision of this Part.

No coercion
for donations,
etc.

59Y. (1) A political party or a candidate shall not apply political or any other pressure on a person in order to—

- (a) receive donations;
- (b) benefit from contributions;
- or
- (c) have the person incur any campaign expense.

(2) A political party or a candidate shall not promise political or any other counter-favours, privileges or personal benefits of any kind to a person in return for—

- (a) any donation or contribution; or
- (b) the person incurring any campaign expense.

Non-solicitation
of public
funds

59Z. (1) A political party that solicits or causes to be solicited contributions from the public or the State, whether locally or internationally, whilst not registered under this Act, commits an offence and is liable on summary conviction to a fine of one hundred thousand dollars.

(2) An official of a political party who, without reasonable cause, contravenes subsection (1) commits an offence and is liable on summary conviction to a fine of fifty thousand dollars and to imprisonment for two years.

(3) For the purposes of this section, “contribution” means the receipt of cash, donations, gifts, grants and subventions.

Liability of
an official of
a political
party

59AA. An official of a political party who knowingly or recklessly makes or provides a false document, financial accounts or records which are required under this Act commits an offence and is liable on summary conviction to a fine of fifty thousand dollars and to imprisonment for two years.

Providing
money for
illegal
purposes

59AB. A person who knowingly provides money for any purpose that is contrary to any provision of this Part commits an offence and is liable on summary conviction to a fine of fifty thousand dollars or to imprisonment for two years.

General
penalty

59AC. (1) In addition to any penalty that the Court may impose for an offence under this Part, the Court may order a person who—

(a) was convicted of an offence under this Part; and

(b) has, directly or indirectly, received a benefit as a result of the commission of the offence,

to pay an amount of money equal to the value of the benefit that the person received.

(2) For the purpose of subsection (1), the value of any benefit shall be assessed by the Court and is recoverable in the same manner as a fine.

Register of
Donations

59AD. The Commission shall establish and maintain, a register of all donations sent to and reported to it under this Act.

Confidentiality

59AE. (1) Every person having an official duty under or pursuant to this Part shall regard and deal with as secret and confidential all documents and information relating to any donation or contribution.

(2) A person exercising powers under this Part shall not communicate to any unauthorised person, whether directly or indirectly, any information or document obtained in the exercise of any power under this Part.

(3) A person referred to in subsection (2) who—

(a) communicates such information or anything contained in such document to an unauthorised person; or

(b) permits an unauthorised person to have access to the documents or information, commits an offence and is liable to a fine of fifty thousand dollars or to imprisonment for two years.

(4) Nothing in this section prevents the disclosure of any document or information where that disclosure is authorised by law.”.

9. The Act is amended by inserting after section 161,^{New section 161A inserted} the following section:

^{“Regulations} 161A. (1) The Minister may, on the recommendation of the Commission, make Regulations generally for the better carrying out of provisions of this Act.

(2) In particular and without prejudice to the generality of the power conferred by subsection (1), the Minister may, on the recommendation of the Commission, make Regulations—

- (a) prescribing the manner of registration of political parties;
- (b) regulating the activities of political parties that are registered under this Act as provided under this Act;
- (c) regulating or restricting the use or changes of names, symbols or colours of political parties;
- (d) prescribing the forms, which may be used for carrying out the provisions of this Act;
- (e) for securing the submission, to the Commission, of the audited accounts and financial accounts relating to the assets and liabilities, income and expenditure of political parties;

- (f) prescribing the fees in respect of anything to be done under this Act;
- (g) requiring the submission, to the Commission, of annual or other periodical returns relating to the constitution, objects and membership of political parties; and
- (h) regulating the use of media during an election.

(3) Regulations made under this section shall be subject to affirmative resolution of Parliament.”.

New section 163
inserted

10. The Act is amended by inserting after section 162, the following section:

“^{Transitional} 163. (1) Notwithstanding the provisions of this Act—

- (a) a political party existing immediately before the commencement of this Act shall be required to comply with the provisions of this Act, within one hundred and eighty days from the commencement date, but shall be exempt from payment of the initial registration fees; and
- (b) the party symbol of a political party existing immediately before the commencement of this Act shall be deemed to be registered under this Act.”.

11. The Act is amended by inserting after the Third Schedule, the following Schedules:

Fourth, Fifth, Sixth
and Seventh
Schedules inserted

“FOURTH SCHEDULE

[Section 30E(2)(b)]

MINIMUM CONTENT OF THE WRITTEN CONSTITUTION OF A POLITICAL
PARTY APPLYING FOR REGISTRATION

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

FIFTH SCHEDULE

[Section 30E(2)(c)]

INFORMATION TO BE FURNISHED TO THE COMMISSION ON
APPLICATION TO REGISTER A POLITICAL PARTY

1. A declaration containing the following information:
 - (a) the name of the political party as stated in its constitution;
 - (b) the slogan or logo of the political party;
 - (c) the colours of the political party, if any;
 - (d) the address of the head office of the political party where records are maintained and to which communication may be addressed;

- (e) a certificate by the general secretary of the political party stating the names and contact details of persons holding each of the offices recognised in accordance with the rules of the party;
- (f) the name and contact details of the appointed auditor of the political party;
- (g) the names and addresses of the one hundred electors who have signed the declaration pursuant to paragraph 2; and
- (h) such other relevant information as may reasonably be required by the Commission in order to substantiate the information referred to in the preceding sub-paragraphs.

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

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

4. An undertaking by the political party, jointly executed by the leader and the chairman or general secretary of the political party, to be bound by the provisions of the Act and any political code of conduct prescribed under the Act or any other enactment.”.

SIXTH SCHEDULE

[Section 30E(2)(d)]

CODE OF CONDUCT FOR POLITICAL PARTIES

1. Political Parties shall subscribe to and observe this code of conduct.

2. This code of conduct shall regulate the behaviour of members and office holders of political parties, aspiring candidates, candidates and their supporters, promote good governance and eradicate political malpractices.

3. Political competition and cooperation shall be regulated under this code of conduct on the basis of the rule of law and universally accepted best practices.

4. Political parties shall—

- (a) promote policy alternatives responding to the interests and needs of the citizens of Trinidad and Tobago;

- (b) respect and uphold the democratic process as they compete for political power so as to implement their policies;
 - (c) promote consensus building in policy decision making on issues of national importance.
5. Every political party shall—
- (a) respect the right of all persons to participate in the political process, including youth, minorities and marginalized groups;
 - (b) respect, uphold and promote gender equity and equality, human rights and fundamental freedoms;
 - (c) be tolerant and inclusive in all their political activities.
6. Every political party shall—
- (a) respect, uphold and defend the Constitution of the Republic of Trinidad and Tobago;
 - (b) respect and uphold this Act and any other written law relating to elections and political parties;
 - (c) respect, uphold and defend their respective political party constitutions, political party election rules, political party nomination rules and any other political party rules and regulations developed and agreed upon in accordance with this code of conduct;
 - (d) respect, uphold and promote human dignity, equity, social justice, inclusiveness, non-discrimination and protection of the marginalized;
 - (e) respect, uphold and promote the rule of law;
 - (f) promote and uphold national patriotism and national unity;
 - (g) respect, uphold and promote democratic values and principles, inclusive participation of party members and accountable representation in governance for the development of Trinidad and Tobago;
 - (h) respect, uphold and promote good governance, integrity, respect, tolerance, transparency and accountability;

- (i) promote cooperation in political competition;
- (j) promote sharing and devolution of power and resources;
- (k) respect, uphold and promote democratic practices through regular free, fair and credible elections within the political party and have a democratically elected governing body and political party organs;
- (l) respect, uphold and promote democratic practices through free, fair and credible party nominations;
- (m) respect, uphold and promote leadership and integrity; and
- (n) be transparent and accountable in all its structures, procedures and performance.

7. A political party shall not—

- (a) be founded on a religious, racial, ethnic, gender or regional basis or seek to engage in advocacy of hatred on any such basis;
- (b) engage in or encourage violence by, or intimidation of, its members, supporters, opponents, any other person or any other political party;
- (c) engage in or influence peddling, bribery or any other form of corruption;
- (d) accept or use illicit or illegal money;
- (e) accept or use public resources other than those allocated to the political party in accordance with the provisions of this Act or any Regulations made under this Act;
- (f) advocate hatred that constitutes ethnic incitement, vilification of others or incitement to cause harm;
- (g) obstruct, disrupt, break up or in any other way whatsoever interfere with a meeting, rally or demonstration of another political party or its leadership;
- (h) establish or maintain a paramilitary force, militia or similar organisation or have any links with terrorist organisations;
- (i) use State resources for partisan campaigns; or

- (j) engage in or encourage conflict that can affect human dignity.
8. A political party shall promote inter-party relations by—
- (a) ensuring free competition among political parties in respect of different political views and principles;
 - (b) fostering trust and confidence through mechanisms for cooperation;
 - (c) managing and mitigating political differences through constructive dialogue and enhancing harmony among the parties; and
 - (d) promoting national reconciliation and building national unity.

SEVENTH SCHEDULE

[Section 30AS(5)]

BASIC REQUIREMENTS FOR COALITION AGREEMENT

1. A coalition agreement shall adhere to the rules and procedures of the political parties relating to formation of coalitions.
2. A coalition agreement shall be sanctioned by the executive of the political parties entering into the coalition and shall—
 - (a) be in writing and duly executed by authorised party officials; and
 - (b) be commissioned by a Commissioner of Affidavits.
3. A coalition agreement shall state—
 - (a) the parties which are the members of the coalition;
 - (b) the policies and objectives of the coalition;
 - (c) the overall structure of the coalition;
 - (d) the general organisation structure and management of the coalition;
 - (e) the criteria or formula for the sharing of positions in the coalition and the structure, roles and responsibilities within the coalition;
 - (f) the coalition election rules;
 - (g) the coalition nomination rules;
 - (h) the decision making structure, rules and procedures;

- (i) the policy initiation, policy consultation and policy decision making structure, rules and procedures;
- (j) the code of conduct of the coalition, including the values and the principles guiding the performance of the individuals and the member parties within the coalition;
- (k) the dispute resolution mechanisms and procedures;
- (l) the enforcement and sanction mechanisms and procedures for the breach of any of the provisions of the agreement;
- (m) the role of the governing body and political party organs of the individual member parties of the coalition in the running of the affairs of the coalition;
- (n) the formula and mechanism for the sharing of funds from State funding to the respective members of the coalition; and
- (o) the grounds upon which the coalition may be dissolved including the mechanisms and procedures to be followed.”.

Passed in the House of Representatives this
day of _____, 2020.

Clerk of the House

I confirm the above.

Speaker

Passed in the Senate this day of ,
2020.

Clerk of the Senate

I confirm the above.

President of the Senate

No. 7 of 2020

FIFTH SESSION
ELEVENTH PARLIAMENT
REPUBLIC OF
TRINIDAD AND TOBAGO

BILL

AN ACT to amend the Representation of
the People Act, Chap. 2:01

Received and read the

First time

Second time

Third time