

JAMAICA

No. 10 – 2016

I assent,

[L.S.]

Sgd. P. L. Allen

Governor-General.

15th day of February 2016

AN ACT to Amend the Representation of the People Act.

[*The date notified by the Minister
bringing the Act into operation*]

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

1.—(1) This Act may be cited as the Representation of the People (Amendment) Act, 2016, and shall be read and construed as one with the Representation of the People Act (hereinafter referred to as the “principal Act”) and all amendments thereto.

Short title,
construction
and com-
mencement.

(2) This Act shall come into operation on a day or days appointed by the Minister by notice published in the *Gazette*, and different days may be appointed in respect of different provisions of this Act.

Amendment
of section 2
of principal
Act.

2. Section 2(1) of the principal Act is amended, by—

- (a) deleting the definition of “contribution” or “donation” and the definition of “political party subscription”; and
- (b) inserting the following definitions in the appropriate alphabetical sequence—

“campaign” means the carrying out of political activities during a campaign period 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 the registered political party; or
- (c) any individual operating as an independent candidate;

“campaign period” means, in relation to—

- (a) a general 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 a firmative 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) an election of membership to the Council of the Kingston and St. Andrew Corporation, a Parish Council or a Municipal Council, the period—

(i) commencing on the earlier of—

(A) the day immediately following the last day of the forty-fifth month of the

term of office of the Kingston and St. Andrew Corporation, Parish Council or Municipal Council (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 the Councils is officially announced by the Governor-General in Council; 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 to the Council of the Kingston and St. Andrew

Corporation, a Parish Council or a Municipal Council, 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;

“contribution” means—

(a) for the purposes of Part VB—

- (i) 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; and
- (ii) any political party subscription; and

(b) for the purposes of Part VC—

- (i) a donation, that is made or provided to—
 - (A) a registered political party or a candidate;
 - (B) a group or an organization that is acting in

support of a
registered
political party or
a candidate; or

(C) any other person
or entity for the
purpose of sup-
porting or
opposing the
candidature of
another person
or for the
purpose of
influencing an
election; and

(ii) 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;

“Director” means the Director of Elections appointed
under section 7 of the *Electoral Commission
(Interim) Act*;

“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;

“reporting period” means the period commencing on the first day of a campaign period and ending one hundred and eighty-one days after the end of the campaign period;

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

3. The proviso to section 17 of the principal Act is amended by deleting the words “less than five clear days before nomination day” and substituting therefor the words “during the period commencing five clear days before nomination day and ending on election day”.

Amendment of section 17 of principal Act.

4. Section 23(5)(b) of the principal Act is amended by deleting the words “three thousand dollars in legal tender” and substituting therefor the words “fifteen thousand dollars in legal tender or such other sum as the Commission may, by order, subject to affirmative resolution, prescribe”.

Amendment of section 23 of principal Act.

5. The principal Act is amended by inserting next after Part VB, the following as Part VC—

Insertion of new Part VC in principal Act.

“ PART VC—Political Campaign Financing
Interpretation of Part VC

Interpreta-
tion of
Part VC.

52AM. In this Part—

“Fund” means the National Election Campaign Fund established by section 52AN;

“impermissible contributor” means a State, entity or person referred to in section 52AT (1).

National Election Campaign Fund

National
Election
Campaign
Fund.

52AN.—(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) Jamaican 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 Fund.

52AO.—(1) Subject to the directions of the Commission, the Director 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 Jamaica.

Moneys constituting the Fund.

52AP. The Fund shall consist of—

- (a) moneys contributed to it by—
 - (i) individuals;
 - (ii) companies and other entities;
 - (iii) Jamaican Diaspora groups;
- (b) interest and profits accruing from the investment of the moneys.

Accounts of Fund.

52AQ.—(1) The Director shall cause proper accounts of the Fund to be kept and shall prepare annually a statement of accounts in a form satisfactory to the Commission and conforming to generally accepted accounting principles in Jamaica.

(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.

52AR.—(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 for all candidates 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—

- (a) the Political Ombudsman certifies that the candidate is in compliance with the Political Code of Conduct for elections; and
- (b) the candidate has complied with his obligations under this Part and section 60 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 section 52BN 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 52BI; or
- (b) the actual expenditure incurred by the candidate within the campaign period, as reflected in the candidate's election return made under section 60.

(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.

(6) In subsection (3), “Political Ombudsman” means the Political Ombudsman appointed under section 4(2) of the *Political Ombudsman (Interim) Act*.

Contributions to Political Parties and Candidates

Contributions
by persons who
have
government
contracts.

52AS.—(1) Where a person, company or other entity makes a contribution to a registered political party or a candidate 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 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 within fourteen days after entering into the Government contract.

(3) For the purposes of this section, “prescribed value” means the amount of five hundred thousand dollars or such other amount as the Minister, on the recommendation of the Commission, may, by order subject to affirmative resolution, prescribe.

(4) A person who, or a company or an entity that, contravenes this section commits an offence and is liable on summary conviction in a Resident Magistrate's Court to a fine not exceeding one million dollars.

Registered
political
party not to
accept
certain
contributions.

52AT.—(1) A registered political party or a candidate, shall not knowingly accept contributions during a reporting period from any of the following states, entities or persons, that is to say—

- (a) any foreign or Commonwealth government, or any agent of such government, whether directly or indirectly;
- (b) a public body as defined in section 2 of the *Public Bodies Management and Accountability Act*;
- (c) an entity whose existence is or activities are illegal under any law;
- (d) a person or an entity whose identity is not disclosed to the recipient of the contribution;
- (e) a person or an entity who makes the contribution through an intermediary; and
- (f) a person who, or an entity which, uses a false identity in making the contribution.

(2) A person shall not during a reporting period knowingly make a contribution to a registered political party or a candidate that includes a contribution from an impermissible contributor.

(3) A registered political party or a candidate who contravenes subsection (1), or a person who contravenes subsection (2), commits an offence and shall be liable on summary conviction in a Resident Magistrate's Court to a fine not exceeding three million dollars or to imprisonment for a term not exceeding twelve months.

Deemed
acceptance
of
contribution.

52AU. For the purposes of any proceedings under this Part—

- (a) subject to paragraph (c) any contribution that is received and retained by a registered political party or a candidate shall be deemed to have been accepted by that registered political party or candidate;
- (b) subject to paragraph (c), a registered political party shall be deemed to have accepted a contribution that is received and retained by any person authorized to receive contributions on its behalf;
- (c) a registered political party or a candidate shall be deemed not to have retained a contribution if, within thirty days after receiving the contribution, the registered political party or candidate returns the contribution to the contributor.

Return of
contribution.

52AV.—(1) Where, during a reporting period, a registered political party or a candidate receives a contribution from an impermissible contributor, the registered political party or candidate, as the case may be, shall return the contribution to the contributor within thirty days after the date of receipt.

(2) For the purposes of subsection (1), where the identity of the contributor has not been disclosed and cannot be ascertained by the taking of reasonable measures, the registered political party or candidate, as the case may be, shall transmit the contribution to the Accountant-General for payment into the Consolidated Fund.

Forfeiture of contribution on conviction of offence.

52AW. Where a contribution has been knowingly accepted by a registered political party or a candidate from an impermissible contributor and is not returned within the period indicated in section 52AU(c), the Commission may, in addition to any other penalty that may be imposed by the Commission in accordance with this Act or regulations made hereunder, seek an order from the Supreme Court for the forfeiture of property of a value equivalent to the value of the contribution.

Invoices for products and services.

52AX.—(1) A registered political party or a candidate shall obtain an invoice from each supplier of goods or services that are provided to the registered political party or candidate during a campaign period, and the invoice shall state the market value of the goods or services provided, regardless of who is liable for payment for the goods or services, and regardless of whether the goods or services were supplied free of charge.

(2) This section shall not apply to a supply of goods or services the market value of which is less than ten thousand dollars or such other sum as the Commission may, by order subject to affirmative resolution, prescribe.

Limits on contributions to candidates and political parties.

52AY.—(1) The total amount of contributions made in a reporting period by any particular contributor—

- (a) to or for the benefit of a candidate, shall not exceed an amount equal to ten

percent of the aggregate limit of the campaign expenditure which the candidate is permitted to incur under section 52BI; or

- (b) to or for the benefit of a registered political party, shall not exceed an amount equal to five percent of the aggregate limit of the campaign expenditure which the party is permitted to incur under section 52BH.

(2) For the purposes of subsection (1)(b), any contributions made by a particular contributor to or for the benefit of candidates shall be treated as being on account of the limit on his permitted contributions to the registered political party to which those candidates belong, so that the aggregate of his contributions to and for the benefit of candidates and his contributions to and for the benefit of the registered political party to which they belong shall not exceed the limit specified in subsection (1)(b).

Tax deductible expense.

52AZ. 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 either or both of the limits specified in section 52AY, shall be regarded as a tax deductible expense for the purposes of section 13 of the *Income Tax Act*.

Declaration by contributor.

52BA.—(1) Any contribution made to or for the benefit of a registered political party or a candidate by a contributor during a reporting period shall be accompanied by a declaration in the prescribed form stating—

- (a) the full name, address and occupation or description of the contributor; and

(b) that the contributor is not an impermissible contributor under this Act.

(2) Where a declaration is received by or on behalf of a registered political party or a candidate under this section, it shall be retained for the purpose of submitting it to the Commission under section 52BJ or 52BP, as the case may require.

(3) Subject to subsection (4), this section shall not apply to any contribution in an amount, or having a market value, of less than two hundred and fifty thousand dollars or such other amount as the Commission may, by order, subject to affirmative resolution, prescribe.

(4) For the purposes of this section, where, during the reporting period, more than one contribution is made by a particular contributor to or for the benefit of a registered political party or a candidate which exceed in the aggregate the sum referred to in subsection (3), the declaration referred to in subsection (1) shall include all such contributions, even if any of those contributions is less than that sum.

(5) Any contributor who knowingly or recklessly makes a false declaration under subsection (1) commits an offence and shall be liable on summary conviction in a Resident Magistrate's Court to a fine not exceeding three million dollars or to imprisonment for a term not exceeding twelve months.

Use of
contribution
candidate.

52BB. Any contribution that is accepted by or on behalf of a candidate during a reporting period shall be applied by the candidate for the purposes of the

candidate's campaign activities, and shall not be used for any personal, family or business expenses.

Contribution above the prescribed threshold.

52BC.—(1) Where, during a reporting period, a contribution of or exceeding two hundred and fifty thousand dollars (or such other amount as the Commission may, by order subject to affirmative resolution, prescribe) is accepted by or on behalf of a registered political party or a candidate, the registered political party or the candidate shall ensure that a receipt, in the form prescribed by the Commission, is issued for the contribution.

(2) For the purposes of this section, where during a reporting period more than one contribution is accepted from a contributor by or on behalf of a registered political party or a candidate which exceed in the aggregate the sum referred to in subsection (1), a receipt referred to in subsection (1) shall be required to be issued including each of those contributions, even if any of those contributions is less than that sum.

Value of property, services, etc.

52BD. Where, during a report period, any property, services, facilities or equipment are provided to a registered political party or a candidate otherwise than on arm's-length commercial terms, then for the purposes of applying any limit on the permitted amount of contributions or expenditure in this Part, the difference between the actual cost incurred by the registered political party or the candidate for the property, services, facilities or equipment, and the cost that would have been incurred in respect thereof had the property, services, facilities or equipment been supplied on arm's-length commercial terms, shall be added to the actual cost incurred by the registered political party or the candidate for the property, services, facilities or equipment.

Verification of contributor. 52BE. Where, during a reporting period, a contribution is made to or for the benefit of a registered political party or a candidate, the registered political party or candidate, as the case may be, shall cause to be taken, without delay, all reasonable measures to verify or ascertain—

- (a) the identity of the contributor;
- (b) whether the contributor is or is not an impermissible contributor; and
- (c) in the case of a contributor other than an impermissible contributor, all such details in respect of the contributor as may be prescribed by the Commission to be received and given in respect of the contributor in the report referred to in section 52BP(1).

Declaration on contribution. 52BF. Within six weeks after an election every candidate who contested the election shall submit to the Director a declaration in the prescribed form stating that, to the best of the candidate's knowledge and belief, no contribution from any impermissible contributor has been accepted by the candidate during the campaign period.

Certificate of compliance. 52BG. Upon a candidate complying with the requirements of sections 52BF and 60, the Director shall, not later than twenty-one days thereafter, issue a certificate stating that the candidate has complied with the campaign period reporting obligations under this Act.

Limit on campaign expenditure of registered political party. 52BH. Where a registered political party contests one or more constituencies in an election, the registered political party shall not incur expenditure on election expenses during the reporting period in

excess of the sum of six hundred and thirty million dollars or such other sum as the Commission may, by order subject to affirmative resolution, prescribe.

Campaign
expenditure
limit for
candidates.

52BI.—(1) Where at an election a candidate stands for election in any constituency, the candidate shall not incur expenditure on election expenses during the reporting period in excess of fifteen million dollars or such other sum as the Commission, may, by order subject to affirmative resolution, prescribe.

(2) The amount in subsection (1) shall be inclusive of any amount received by the candidate from any registered political party.

Campaign
Period
Expenditure
Report.

52BJ.—(1) Every registered political party shall submit to the Commission, a Campaign Period Expenditure Report in the prescribed form and manner within a period of one hundred and eighty days after the day of an election.

(2) A Campaign Period Expenditure Report shall include the following—

- (a) a consolidated statement of all contributions received by it during the campaign period;
- (b) an itemized statement of the values of all contributions, in cash or kind, of a value of, or exceeding two hundred and fifty thousand dollars (or such other sum as the Commission may, by order subject to affirmative resolution, prescribe) received during the campaign period, and stating the name, address and occupation

or description of the respective contributors who made those contributions;

- (c) a consolidated total income and expenditure statement for the campaign period, categorizing expenditures in accordance with the categories shown in the registered political party's most recent financial report.

Offence of failing to submit Campaign Expenditure Report.

52BK. Where the report referred to in section 52BJ is not submitted by a registered political party to the Commission within the time and in the manner prescribed, the authorized representative of the registered political party, commits an offence and shall be liable on summary conviction in a Resident Magistrate's Court to a fine not exceeding one million dollars.

Offence of making false declaration.

52BL. Any person who, knowingly, makes a false statement in any report, declaration or other document required to be filed with the Commission or the Director under this Part, commits an offence and shall be liable on summary conviction in a Resident Magistrate's Court to a fine not exceeding three million dollars or, in default of payment thereof, to a term of imprisonment not exceeding twelve months.

Power of Commission to require disclosure.

52BM.—(1) Subject to the provisions of this Act, the Commission may require a disclosure in relation to any matter under this Part from—

- (a) the authorized representative of a registered political party;
- (b) any contributor who made a contribution during a reporting period;
- (c) any candidate at an election; or
- (d) the election agent of the candidate.

(2) For the purposes of this section, the Commission may serve a disclosure notice on a person specified in subsection (1) (a), (b), (c) or (d).

(3) A disclosure notice under this section is a notice requiring the person on whom it is served to produce for inspection by the Commission or its agents so authorized, within the period specified in the notice (being a period of not less than thirty days), any document which—

- (a) relates to the income and expenditure of the registered political party, or any of its affiliated organizations, for any of its five most recent financial years, as may be reasonably required by the Commission for the purpose of carrying out its auditing functions; or
- (b) may provide the Commission, or its agents, with any information or explanation which relates to the income and expenditure of the registered political party, or any of its affiliated organizations, for any of its five most recent financial years, as may be reasonably required by the Commission for purposes of identifying sources of campaign financing.

(4) Every person on whom a disclosure notice is served shall comply with such notice within the time specified in the notice.

Funding for
election
campaign.

52BN.—(1) The Government may, where moneys have been appropriated for this purpose in the approved Estimates of Expenditure for the current financial year, provide funding for the reimbursement of election expenses incurred by—

- (a) the candidates of a registered political party which meets the requirements of section 12 and Part VB; and

(b) an independent candidate, who has received at least five percent of the votes cast in the election.

(2) Funding under subsection (1) shall be disbursed to a candidate, upon certification by—

(a) the Director, that the candidate is in compliance with the provisions of this Part; and

(b) the Political Ombudsman, that the candidate is in compliance with the Political Code of Conduct for elections.

(3) A candidate may elect, by notice in writing to the Commission, not to receive funding under this section.

(4) A candidate shall not receive funding under this section in excess of an amount exceeding forty percent of that candidate's total election expenditure as reflected in the candidate's Final Disclosure Report made under section 52BP.

(5) Subject to subsections (3) and (4), funding provided by the Government under subsection (1), shall be disbursed to a candidate on the basis of the votes cast for that candidate, and shall be determined by applying the following formula—

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

where—

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

- B is the aggregate number of votes cast by all electors in the election:
- C is the total funding available to all candidates from the Government under subsection (1).

Duty to keep proper financial records.

52BO. Every registered political party, every candidate contesting on behalf of the registered political party, and every independent candidate, respectively, shall keep proper financial records, including—

- (a) copies of all records and receipts, appropriately signed;
- (b) written loan agreements and copies of the records and receipts for cash connected to the receipt and repayment of loans;
- (c) copies of all bills, invoices and receipts for goods and services purchased, other than goods and services referred to in section 52AX(2); and
- (d) such other documentation the Commission may, by order subject to affirmative resolution, prescribe.

Final Disclosure Report.

52BP.—(1) Every registered political party and every candidate, whether the candidate is contesting on behalf of a registered political party or is contesting as an independent candidate, shall submit to the Commission, a Final Disclosure Report in the prescribed form detailing its or his income and expenditure, and all contributions received during the reporting period.

(2) If within the reporting period a candidate did not receive any contribution, or expend

any resources, this should be declared by the candidate in the Final Disclosure Report.

Commission's
duty to
maintain
records.

52BQ. The Commission, having received declarations and reports under this Part, shall maintain records of those declarations and reports at its office.

Disclosures
by the
Commission.

52BR. After each election, the Commission shall publish reports disclosing—

- (a) the total contributions received by each registered political party during the reporting period;
- (b) a list of all contributions, of or exceeding the sum of one million dollars (or such other sum as the Commission may, by order subject to affirmative resolution, prescribe), received by each registered political party during the reporting period; and
- (c) a list of all contributions of or exceeding the sum of one million dollars (or such other sum as the Commission may, by order subject to affirmative resolution, prescribe) received by candidates during the reporting period.

Decisions of
the
Commission
under this
Part.

52BS. All decisions of the Commission required to be made under this Part shall be made on behalf of the Commission by the selected Commissioners only.

Media

Access to
media.

52T. Where during any campaign period, the Commission is of the view that the provisions of section 21 of the *Broadcasting and Radio Re-Diffusion Act*

has been breached, the Commission shall refer the matter to the Broadcasting Commission established under that Act for appropriate action to be taken.

Commission may make regulations under Part VC.

52BU.—(1) The Commission may make regulations for the better carrying out of the provisions of this Part and, without prejudice to the generality of the foregoing, such regulations may make provisions, not inconsistent with this Act—

- (a) prescribing any form;
- (b) specifying procedure for which no express procedure is contained in this Part;
- (c) prescribing administrative fines in fixed amounts not exceeding one million dollars, and providing for public apologies, and the return of contributions, in respect of any breaches of the provisions of this Part or of regulations made under this Part; and
- (d) prescribing the format in which campaign expenditure is to be accounted for.

Offences by registered political parties and bodies corporate.

52BV.—(1) Where an offence under this Act or any regulations made under this Act is committed by a registered political party or a body corporate and is proved—

- (a) to have been committed with the consent or connivance of any officer or the authorized representative of the registered political party, or any director, manager, secretary or other similar officer of the body corporate or any person who was purporting to act in any of those capacities; or

- (b) to be attributable to the failure of any such officer or authorized representative, or any director, manager, secretary or other similar officer or person, to exercise all such reasonable diligence as he ought, in the circumstances, to have exercised to prevent the offence, having regard to the nature of his functions and all the circumstances,

the officer or authorized representative, or the director, manager, secretary or other similar officer or person as aforesaid, as well as the registered political party or the body corporate, commits that offence and may be proceeded against and be punished accordingly.

(2) For the purposes of this section, a person shall be deemed to be a director of a body corporate if he occupies in relation thereto the position of a director, by whatever name called, or is a person in accordance with whose directions or instructions (being directions or instructions in a professional capacity only) the directors and the body corporate or any of them act.”.

Amendment
of section 55
of principal
Act.

6. Section 55 of the principal Act is amended—

- (a) by deleting subsection (1) and substituting therefor the following—

“ (1) Subject to the provisions of subsection (2) and Part VC, no expenditure shall be incurred in relation to the candidature of any person during a campaign period in excess of fifteen million dollars or such other sum as the Commission may, by order subject to affirmative resolution, prescribe.”; and

- (b) in subsection (2), by deleting the words “at any election” and substituting therefor the words “during a campaign period”.

7. Section 56 of the principal Act is amended by deleting the words “at any election” and substituting therefor the words “during a campaign period”.

Amendment of section 56 of principal Act.

8. Section 57 of the principal Act is amended, by deleting the words “during the period of the election” and substituting therefor the words “during the campaign period”.

Amendment of section 57 of principal Act.

9. Section 58(1) of the principal Act is amended, by deleting the words “at any election” and substituting therefor the words “during the campaign period”.

Amendment of section 58 of principal Act.

10. The principal Act is amended by inserting next after section 81 the following as section 81A—

Insertion of new section 81A in principal Act.

“Prohibition of campaign activities on election day.

81A.—(1) A person shall not—

- (a) publish or broadcast, or cause to be published or broadcast, any political programme or political campaign advertisement, in whatever form, within twenty-four hours of the time fixed for the opening of the poll on election day;
- (b) publish or broadcast, or cause to be published or broadcast, any opinion polling results or any opinion survey within forty-eight hours of the time fixed for the opening of the poll on election day.

(2) A public body shall not make or cause to be made any promotional media advertisement

supporting, furthering or opposing the campaign of any registered political party or candidate, between the day of the official announcement of the date of an election and the day of the election.

(3) A person who or a public body that contravenes subsection (1) or (2) commits an offence and shall be liable on summary conviction in a Resident Magistrate's Court to a fine not exceeding five million dollars.

(4) In this section, "political programme" includes any broadcast which is likely or intended to—

- (a) solicit support for any registered political party;
- (b) promote the election of any candidate; or
- (c) attack the policies, plans or programmes, or the image of, any registered political party or any candidate."

11. The Second Schedule to the principal Act is amended by deleting Form 22 and substituting therefor the following—

Amendment
of Second
Schedule to
principal Act.

Form 22

THE REPRESENTATION OF THE PEOPLE ACT

RETURN OF ELECTION EXPENSES

Candidates Details

Name of Candidate: _____

Address: _____

Telephone Number: _____

Email Address: _____

Name of Political Party: _____

Independent Candidate: _____

Address: _____

Telephone Number: _____

Email Address: _____

Constituency Contested _____

Agent Details

Name of Agent as appears
on Nomination Form _____

Address of Agent _____

Telephone Number: _____

Email Address: _____

DECLARATION OF CANDIDATE

I _____ of _____

a candidate at the election of a Member of the House of Representatives held on the

_____ day of _____

_____ 20 _____ do swear (or solemnly declare) that:-

- (1) I have examined the attached return and the vouchers in support thereof; and
- (2) I have made no payments to any person other than my official agent in connection with my candidature except as set out in the attached return;
- (3) to be the best of my knowledge, information and belief the attached return is in every respect a true and accurate return of all expenditure incurred in promoting my candidature at the said election and of monies, securities and money's worth received by my agent from any source in connection with my candidature.

Signature

Declared to by _____ before me this

_____ day of _____ 20 _____

Justice of the Peace

DECLARATION OF OFFICIAL AGENT

I _____ of _____

at the election of a Member of the House of Representatives held on the _____

_____ day of _____ 20 _____

do swear (or solemnly declare) that:-

- (1) to the best of my knowledge, information and belief the attached return is a true and accurate return of all expenditure incurred by any person in promoting the candidature of the said _____ at the said election between the issue of the Writ for the said election and the return thereto:-

[No.] *The Representation of the People (Amendment) Act, 2016*

(2) that I have not received from the candidate or from any club, society or organisation any sum of money, securities or money's worth for promoting the said candidature between the said dates except as set out in the return.

Signature

Declared to by _____ before me this _____
day of _____ 20 _____

Justice of the Peace

Passed in the House of Representatives this 1st day of December, 2015.

MICHAEL A. PEART
Speaker.

Passed in the Senate this 22nd day of January, 2016 with six (6) amendments.

FLOYD E. MORRIS
President.

*The Representation of the People (Amendment)
Act, 2016*

[No.]

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On the 26th day of January, 2016 the House of Representatives agreed to the amendments made by the Senate.

MICHAEL A. PEART
Speaker.

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

Sgd. Heather E. Cooke
Clerk to the Houses of Parliament.