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23 January 2019

No. 42188

## THE PRESIDENCY

No. 63                      23 January 2019

It is hereby notified that the President has assented to the following Act, which is hereby published for general information:—

**Act No. 6 of 2018: Political Party Funding Act, 2018**

## OFISI YA MOPORESIDENTE

No. 63                      23 January 2019

Mona ho tsebiswa hore Mopresidente o amohetse Molao ona o latelang, o phatlalatswang mona bakeng sa tsebiso ya setjhaba ka bophara:—

**No. 6 ya 2018: Molao wa Tshehetso ya Ditjhelete ho Mekga ya Dipolotiki, 2018**

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*(English text signed by the President)  
(Assented to 21 January 2019)*

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## ACT

**To provide for, and regulate, the public and private funding of political parties, in particular; the establishment and management of Funds to fund represented political parties sufficiently; to prohibit certain donations made directly to political parties; to regulate disclosure of donations accepted; to determine the duties of political parties in respect of funding; to provide for powers and duties of the Commission; to provide for administrative fines; to create offences and penalties; to repeal the Public Funding of Represented Political Parties Act, 1997, and provide for transitional matters; and to provide for related matters.**

### PREAMBLE

**WHEREAS** the Constitution establishes the foundational values of accountability and openness in a multi-party democracy;

**AND WHEREAS** it is important to deepen democracy, promote the national interest and to protect the sovereignty of the Republic;

**AND WHEREAS** the Republic's public international law obligations require it to incorporate the principle of transparency in the funding of political parties;

**AND WHEREAS** section 236 of the Constitution, in promoting that principle, requires national legislation to provide for the funding of political parties participating in national and provincial legislatures on an equitable and proportional basis to enhance multi-party democracy;

**AND WHEREAS** effect is given to this section through money made available to those political parties from a fund created by law for that purpose;

**AND WHEREAS** section 44 of the Constitution affords Parliament legislative authority to pass legislation with regard to any matter, which would include to regulate private funding of political parties;

**AND WHEREAS** effect is given to this by—

- establishing an additional fund to receive funding from private sources subject to certain restrictions;
- prohibiting certain donations being made directly to political parties; and
- providing for the disclosure of donations,

(English text signed by the President)  
(Assented to 21 January 2019)

# MOLAO

Ho lokisetsa, le ho laola, phumantsho ya ditjhelete tsa setjhaba le tsa poraefete ho mekga ya dipolotiki, ka sebele; ho thehwa le tsamaiso ya Matlole ho fa mekga ya dipolotiki e emetsweng ditjhelete tse lekaneng; ho thibela dinyehelo tse itseng tse lebisitsweng ho mekga ya dipolotiki ka kotloloho; ho laola tsebahatso ya dinyehelo tse amohetsweng; ho tsebisa mesebetsi ya mekga ya dipolotiki mabapi le phumantsho ya ditjhelete; ho lokisetsa bakeng sa matla le mesebetsi ya Komishine; ho lokisetsa bakeng sa tsamaiso ya kotlo ya ditjhelete; ho theha ditlolo tsa molao le dikotlo tsa tsona; ho phumola Molao wa Tshehetso ka Ditjhelete tsa Setjhaba ho Mekga ya dipolotiki e nang le Boemedi, wa 1997, le ho lokisetsa bakeng sa ditaba tsa phetoho; le ho lokisetsa bakeng sa ditaba tse tsamaelanang le tsona.

## KETAPELE

**JWALOKA HA** Molaotheo o theha makgabane a motheo a boikarabelo le ponaletso ho demokerasi ya mekga ya dipolotiki e mengata;

**HAPE JWALOKA HA** ho le molemo ho tebisa demokerasi, ho phahamisa ditabatabelo tsa setjhaba le ho sireletsa boipuso ba Rephaboliki;

**HAPE JWALOKA HA** ditlamo tsa molao wa matjhabatjhaba tsa Rephaboliki di hloka hore e kenyelletse ntlhatheo ya ponaletso phumantshong ya ditjhelete ya mekga ya dipolotiki;

**HAPE JWALOKA HA** karolo ya 236 ya Molaotheo, ha e ntshetsa pele ntlhatheo eo, e hloka hore lekgotla la ketsamelao le lokisetse bakeng sa tshehetso ya ditjhelete ho mekga ya dipolotiki e nang le seabo makgotleng a ketsamelao a naha le diprovense ka tsela e lekanang le ho ya ka boholo ba yona ho ntlafatsa demokerasi ya mekga e mengata ya dipolotiki;

**HAPE JWALOKA HA** ho phethahatswa karolo ena ka ditjhelete tse fuwang mekga eo ya dipolotiki ho tswa letloleng le thehilweng ka molao ka sepheo sona seo;

**HAPE JWALOKA HA** karolo ya 44 ya Molaotheo e fa Palamente matla a ketsamelao a ho etsa melao mabapi le taba efe kapa efe, e kenyelletsang ho laola phumantsho ya ditjhelete tsa poraefete ya mekga ya dipolotiki;

**HAPE JWALOKA HA** ho phethahatswa sena ka ho—

- theha letlole le leng ho amohela ditjhelete ho tswa mehloding ya poraefete tlasa dithibelo tse itseng;
- thibela dinyehelo tse itseng tse etswang ka ho otloloha ho mekga ya dipolotiki; le ho
- lokisetsa bakeng sa tsebahatso tsa dinyehelo,

**B**E IT THEREFORE ENACTED by the Parliament of the Republic of South Africa, as follows:—

## CHAPTER 1

### INTERPRETATION

|  |    |
|--|----|
| <b>Definitions</b>   | 5  |
| 1. In this Act, unless the context indicates otherwise—  |    |
| <b>“chief executive officer”</b> means the person appointed in terms of section 21(2);   |    |
| <b>“Commission”</b> means the Electoral Commission established by section 3(1) of the Electoral Commission Act;  |    |
| <b>“Constitution”</b> means the Constitution of the Republic of South Africa, 1996;  | 10 |
| <b>“donation”</b> —  |    |
| (a) includes a donation in kind; but   |    |
| (b) does not include—  |    |
| (i) a membership fee of the political party or any levy imposed by the party on its elected representatives; or  | 15 |
| (ii) any funds provided to the political party by the National Assembly and provincial legislatures respectively in terms of sections 57(2)(c) and 116(2)(c) of the Constitution;  |    |
| <b>“donation in kind”</b> —  |    |
| (a) includes—  | 20 |
| (i) any money lent to the political party other than on commercial terms;  |    |
| (ii) any money paid on behalf of the political party for any expenses incurred directly or indirectly by that political party;   |    |
| (iii) the provision of assets, services or facilities for the use or benefit of a political party other than on commercial terms; or   | 25 |
| (iv) a sponsorship provided to the political party; but  |    |
| (b) does not include services rendered personally by a volunteer;  |    |
| <b>“Electoral Commission Act”</b> means the Electoral Commission Act, 1996 (Act No. 51 of 1996);   |    |
| <b>“financial year”</b> means an accounting period of a year that ends on 31 March each year;  | 30 |
| <b>“foreign person”</b> means any person or entity other than a—   |    |
| (a) citizen or permanent resident of the Republic;   |    |
| (b) company registered in terms of the Companies Act, 2008 (Act No. 71 of 2008); or  | 35 |
| (c) trust registered in terms of the Trust Property Control Act, 1988 (Act No. 57 of 1988);  |    |
| <b>“Funds”</b> mean the <i>Multi-Party Democracy Fund</i> and the <i>Represented Political Party Fund</i> ;  |    |
| <b>“Multi-Party Democracy Fund”</b> means the Multi-Party Democracy Fund established in terms of section 3(1);   | 40 |
| <b>“political party”</b> includes any entity that accepts donations principally to support or oppose any registered political party or its candidates, in an election as defined in section 1 of the Electoral Act, 1998 (Act No. 73 of 1998); |    |
| <b>“prescribe”</b> means prescribed by regulations made under section 24;  | 45 |
| <b>“represented political party”</b> means a political party with representation in the national or provincial legislatures;   |    |
| <b>“Represented Political Party Fund”</b> means the Represented Political Party Fund established in terms of section 2(1); and   |    |
| <b>“this Act”</b> includes regulations made under section 24.  | 50 |

**J** WALE E KENNGWA TSHEBETSONG ke Palamente ya Rephaboliki ya Afrika Borwa, ka mokgwa o latelang:—

## KGAOLO 1

### DITLHALOSETSO

|   |    |
|---|----|
| <b>Ditlhaloso</b>   | 5  |
| <b>1. Molaong ona, ntle le haeba moelelo e le o fapaneng—</b>   |    |
| <b>“mohlanka e moholo wa phethahatso”</b> e bolela motho ya hirilweng ho ya ka karolo ya 21(2);   |    |
| <b>“Komishine”</b> e bolela Komishine ya Dikgetho e thehilweng ka karolo ya 3(1) ya Molao wa Komishine ya Dikgetho;   | 10 |
| <b>“Molaotheo”</b> e bolela Molaotheo wa Rephaboliki ya Afrika Borwa, wa 1996;  |    |
| <b>“nyehelo”</b> —  |    |
| (a) e kenyelletsa nyehelo ka ditshebeletso kapa thepa; empa   |    |
| (b) ha e kenyelletse—   |    |
| (i) tefo ya ho ba setho sa mokga wa dipolotiki kapa ditefello tsa ditshebeletso tse qobellwang ke mokga wa ho baemedi ba kgethuweng; kapa   | 15 |
| (ii) ditjhelete dife kapa dife tse fuweng mokga wa dipolotiki ke Seema sa Naha le makgotla a ketsamelao ka tatelano jwalo ho ya ka dikarolo tsa 57(2)(c) le 116(2)(c) tsa Molaotheo;  | 20 |
| <b>“nyehelo ka ditshebeletso kapa thepa”</b> —  |    |
| (a) e kenyelletsa—  |    |
| (i) tjhelete efe kapa efe e adimilweng mokga wa dipolotiki ntle le ho ya ka dikgwebo;   |    |
| (ii) tjhelete efe kapa efe e lefuweng lebitsong la mokga wa dipolotiki bakeng sa tshedediso ya tjhelete efe kapa efe e etsahetseng tlasa mokga oo wa dipolotiki ka ho otlooha kapa ka tsela e seng ya kotloloho;  | 25 |
| (iii) phumantsho ya thepa, ditshebeletso kapa disebediswa bakeng sa ho sebediswa kapa molemong wa mokga wa dipolotiki ntle le ho ya ka dikgwebo; kapa   | 30 |
| (iv) tshetso ya ditjhelete e fuweng mokga wa dipolotiki; empa   |    |
| (b) ha e kenyelletse ditshebeletso tse fanweng ke motho eo e leng moithaopi;  |    |
| <b>“Molao wa Komishine ya Dikgetho”</b> e bolela Molao wa Komishine ya Dikgetho, wa 1996 (Molao wa 51 wa 1996);   |    |
| <b>“selemo sa ditjhelete”</b> se bolela nakong ya boikarabelo ya selemo se felang ka 31 Hlakubele selemong se seng le se seng;  | 35 |
| <b>“motswantle”</b> e bolela motho kapa setho sefe kapa sefe ntle le—   |    |
| (a) moahi kapa modudi wa moshwelella wa Rephaboliki;  |    |
| (b) khamphani e ngodisitsweng ho ya ka Molao wa Dikhamphani, wa 2008 (Molao wa 71 wa 2008); kapa  | 40 |
| (c) letlole le ngodisitsweng ho ya ka Molao wa Taolo ya Thepa ya Letlole, wa 1988 (Molao wa 57 wa 1988);  |    |
| <b>“Letlole”</b> e bolela <i>Letlole la Mekga ya Dipolotiki e Mengata le Letlole la Mekga ya Dipolotiki e nang le Boemedi</i> ;   |    |
| <b>“Letlole la Mekga ya Dipolotiki e Mengata ya Demokerasi”</b> e bolela Letlole la Mekga ya Dipolotiki e Mengata ya Demokerasi e thehilweng ho ya ka karolo ya 3(1);   | 45 |
| <b>“mokga wa dipolotiki”</b> e kenyelletsa setho sefe kapa sefe se amohelang dinyehelo haholo ho tshetso kapa ho ba kgahlanong le mokga wa dipolotiki o ngodisitsweng kapa baemedi ba yona, dikgethong jwaloka ha di hlaoswa karolong ya 1 ya Molao wa Dikgetho, wa 1998 (Molao wa 73 wa 1998); | 50 |
| <b>“hlahositsweng”</b> ho bolela ho hlahositsweng ke melawana tlasa karolo ya 24;   |    |
| <b>“mokga wa dipolotiki o nang le boemedi”</b> ho bolela mokga wa dipolotiki o nang le baemedi makgotleng a ketsamelao a naha kapa diprovence;  |    |
| <b>“Letlole la Mekga wa Dipolotiki o nang le Boemedi”</b> le bolela Letlole la Mekga ya Dipolotiki e Emetsweng le e thehilweng ho ya ka karolo ya 2(1); mme   | 55 |
| <b>“Molao ona”</b> o kenyelletsa melawana e entsweng tlasa karolo ya 24.  |    |

**CHAPTER 2****FUNDS****Establishment of Represented Political Party Fund**

2. (1) A Represented Political Party Fund is hereby established for the purpose of enhancing multi-party democracy by providing for the funding of represented political parties. 5

(2) The Commission must open an account for this Fund with any bank registered as a bank in terms of the Banks Act, 1990 (Act No. 94 of 1990).

(3) The Commission must credit the account contemplated in subsection (2) with— 10  
 (a) money appropriated by an Act of Parliament;  
 (b) any money recovered in terms of section 17; and  
 (c) interest earned on money invested in terms of section 4(1).

**Establishment of Multi-Party Democracy Fund**

3. (1) A Multi-Party Democracy Fund is hereby established for the purpose of funding represented political parties from private sources. 15

(2) The Commission must open an account for this Fund with any bank registered as a bank in terms of the Banks Act, 1990 (Act No. 94 of 1990).

(3) Subject to subsection (4), the Commission must credit the account contemplated in subsection (2) with—

(a) money received from any private source whether from inside or outside the Republic; 20  
 (b) any money recovered in terms of section 17; and  
 (c) interest earned on money deposited or invested in terms of section 4(1).

(4) The Commission may not accept money received in terms of subsection (3)(a) from any— 25

(a) organ of state;  
 (b) state owned enterprise; or  
 (c) foreign government or foreign government agency.

(5) Any contributor contemplated in subsection (3)(a) may request the Commission not to disclose their identity or the amount of the contribution. 30

(6) The Commission may charge a fee to defray the cost of administering and managing this Fund, which may not exceed five per cent of the money credited to this fund under subsection (3) during the previous financial year.

**Investment of money in Funds**

4. (1) Any money in the Funds that is not required immediately for making an allocation to represented political parties in terms of section 6 may be invested with the Public Investment Corporation in terms of the Public Investment Corporation Act, 2004 (Act No. 23 of 2004). 35

(2) The Commission may, with the approval of the Minister of Finance, carry forward any money standing to the credit of the Represented Political Party Fund at the end of the financial year to the next financial year as a credit balance. 40

(3) The Commission must carry forward any money standing to the credit of the Multi-Party Democracy Fund at the end of the financial year to the next financial year as a credit balance.

**Management and administration of Funds** 45

5. (1) The chief executive officer is responsible for the management and administration of the Funds.

**KGAOLO 2****MATLOLE****Ho thehwa ha Letlole la Mekga ya Dipolotiki e Nang le Boemedi**

2. (1) Ka hona Letlole la Mekga ya Dipolotiki le thehilwe ka sepheo sa ho ntlafatsa demokerasi ya mekga ya dipolotiki e mengata ka ho lokisetsa bakeng sa ho fana ka ditjhelete ho mekga ya dipolotiki e nang le boemedi. 5

(2) Komishine e tlamehile ho bula akhaonte bakeng sa Letlole lena le banka efe kapa efe e ngodisitsweng jwalo ka banka ho ya ka Molao wa Dibanka, wa 1990 (Molao wa 94 wa 1990).

(3) Komishene e tlamehile ho kenya tjhelete akhaonteng e butsweng tlasa karolwana ya (2) ka— 10

(a) tjhelete e abilweng ka Molao wa Palamente;

(b) tjhelete efe kapa efe e fumanweng ho ya ka karolo ya 17; le

(c) tswalo e fumanweng ka tjhelete e tsetetsweng ho ya ka karolo ya 4(1).

**Ho thehwa ha Letlole la Mekga ya Dipolotiki e Mengata ya Demokerasi 15**

3. (1) Ka hona Letlole la Mekga ya Dipolotiki ya Demokerasi le thehwa ka sepheo sa ho fana ka ditjhelete tse tswang ho mehlodi ya poraefete ho mekga ya dipolotiki e nang le boemedi.

(2) Komishine e tlamehile ho bula akhaonte bakeng sa Letlole lena le banka efe kapa efe e ngodisitsweng jwalo ka banka ho ya ka Molao wa Dibanka, wa 1990 (Molao wa 94 wa 1990). 20

(3) Mabapi le karolwana ya (4), Komishene e tlamehile hore e kenye tjhelete ka akhaonteng e lothothilweng ho karolwana ya (2) ka—

(a) tjhelete e fumanweng ho tswa mehloding ya poraefete ebang e hlaha kahare kapa ka ntle ho Rephaboliki; 25

(b) tjhelete efe kapa efe e fumanweng ho ya ka karolwana ya 17; le

(c) tswala e fumanweng tjheleteng e kentsweng kapa e tsetetsweng ho ya ka karolwana ya 4(1).

(4) Komishene ha e a tshwanela ho amohela tjhelete ho ya ka karolwana ya (3)(a) ho tswa ho efe kapa efe ho tsena— 30

(a) setheo sa mmuso;

(b) kgwebo ya mmuso; kapa

(c) mmuso wa naha e nngwe kapa ejensi ya mmuso wa naha e nngwe.

(5) Motho ofe kapa ofe ya nyehelang ya lothothwang ho karolwana ya (3)(a) a ka kopa Komishine hore e se ke ya mo senola hore ke mang kapa ya bolela boleng ba nyehelo eo. 35

(6) Komishine e ka lefisa ho phumola ditjeo tsa tsamaiso le taolo ya Letlole lena, tjhelete e ka tlasa diperesente tse hlano tsa tjhelete e kentsweng letlolang lena tlasa karolwana ya (3) selemong sa ditjhelete.

**Tsetelo ya ditjhelete tse Matloleng**

4. (1) Tjhelete efe kapa efe e Matloleng e sa hlokeheng ha jwale bakeng sa ho Abelwa mekga ya dipolotiki e nang le boemedi ho ya ka karolo ya 6 e ka tsetelwa le Koporasi ya Matsete a Setjhaba ho ya ka Molao wa Koporasi ya Matsete a Setjhaba, wa 2004 (Molao wa 23 wa 2004). 40

(2) Komishine e ka, ka tumello ya Letona la tsa Ditjhelete, fetisetsa pele tjhelete efe kapa efe e lebitsong la Letlole la Mekga ya Dipolotiki e Nang le Boemedi mafelong a selemo sa ditjhelete ho selemo sa ditjhelete se tlang jwalo ka tjhelete e setseng. 45

(3) Komishine e tlamehile hore e fetisetse pele tjhelete efe kapa efe e lebitsong la Letlole la Mekga ya Dipolotiki e Nang le Boemedi mafelong a selemo sa ditjhelete selemong sa ditjhelete se tlang jwalo ka tjhelete e setseng.

**Taolo le tsamaiso ya Matlole 50**

5. (1) Mohlanka e moholo wa phethahatso o na le boikarabelo bakeng sa taolo le tsamaiso ya Matlole.



(2) For each financial year, the Commission must keep records in accordance with the standards of generally recognised accounting practice in respect of each of the Funds, setting out—

- (a) all money received or accruing to the Funds;
- (b) all allocations and payments made; 5
- (c) all expenditure arising from the allocation of money from the Funds; and
- (d) the current record of the capital and liabilities of the Funds during that year.

#### **Allocation and payment of money to represented political party**

6. (1) The Commission may allocate money from the Funds to a represented political party only. 10

(2) Any allocation from the Funds must be made to a represented political party in accordance with the prescribed formula.

(3) The formula prescribed in subsection (2) must be based on—

- (a) in part, an equitable allocation taking into account a weighted scale of representation for an allocation to a represented political party; and 15
- (b) in part, a proportional allocation taking into account the relationship that the number of a represented political party's representatives in both the National Assembly and the provincial legislatures bears to the sum of the seats in these legislatures.

(4) The Commission must apply the formula prescribed in subsection (2) taking into account the number of representatives of each represented political party and the number of seats in the respective legislatures based on the results of the election. 20

(5) The Commission may not take into account any money carried forward in terms of section 13(1) when it determines the allocation of money to a represented political party. 25

(6) Any allocation of money from the Funds to a represented political party ends when the party ceases to be a party with representation as contemplated in subsection (1).

(7) The Commission must pay the allocated amounts to each of the represented political parties at prescribed intervals.

#### **Purposes for which money from Funds may be used** 30

7. (1) Subject to subsection (2), the money paid in terms of section 6(7) may be used by that represented political party for any purpose compatible with its functioning as a political party in a modern democracy including—

- (a) the development of the political will of the people;
- (b) bringing the political party's influence to bear on the shaping of public opinion; 35
- (c) inspiring and furthering political education;
- (d) promoting active participation by individual citizens in political life;
- (e) exercising an influence on political trends;
- (f) ensuring continuous and vital links between the people and organs of state; 40
- and
- (g) complying with the provisions of this Act.

(2) The money paid in terms of section 6(7) may not be used by that represented political party—

- (a) for the purpose of directly or indirectly paying any remuneration, fee, reward, 45  
perquisite or other benefit to any person—
  - (i) representing the party in any legislature at national or provincial level, or in a Municipal Council; or
  - (ii) who is appointed by or in the service of the state and receives remuneration for that appointment or service; 50
- (b) to finance or contribute, whether directly or indirectly, to any matter, cause, event or occasion, in contravention of any code of ethics binding on the members of Parliament or members of a provincial legislature;



(2) Bakeng sa selemo se seng le se seng, Komishine e tlamehile ho boloka direkoto ho ya ka maemo a tlwaelehleng a tsejwang a boikarabelo mabapi le Letlole ka leng, tse hlahosang—

- (a) ditjhelete kaofela tse fumanweng kapa tse bokelletsweng ke Matlole;
- (b) dikabo le ditefello kaofela tse entsweng; 5
- (c) tshebediso ya ditjhelete kaofela e hlahileng ka baka la kabo ya ditjhelete tse tswang Matloleng; le
- (d) rekoto ya jwale ya ditjhelete le ditlamo tsa Matlole selemong seo.

#### **Kabo le tefo ya ditjhelete tsa mekga ya dipolotiki e nang le boemedi**

6. (1) Komishine e ka aba ditjhelete tse tswang Letloleng ho mokga wa dipolotiki o nang le boemedi feela. 10

(2) Kabo efe kapa efe e tswang Letloleng e tlamehile ho etsetswa mokga wa dipolotiki ho ya ka mokgwa o hlahositsweng.

(3) Mokgwa o hlahositsweng karolwaneng ya (2) o tlamehile ho thehwa hodima—

- (a) bonyane, kabo a lekanang e elang hloko boima ba sekala sa boemedi bakeng sa kabelo ho mokga wa dipolotiki o nang le boemedi; le 15
- (b) bonyane, kabo e lekanang e elang hloko dikamano tseo palo ya baemedi ba mokga wa dipolotiki ho Seema sa Naha le makgotleng a ketsamelao a diprovense e amanang le paloyohle ya ditulo kahara makgotla ana a ketsamelao. 20

(4) Komishine e tlamehile e sebedise fomula e hlahositsweng ho karolwana ya (2) e ela hloko palo ya baemedi ba mokga ka mong wa dipolotiki o emetsweng le palo ya ditulo makgotleng a ketsamelao e thehilweng hodima diphetho tsa dikgetho.

(5) Komishine ha e a tshwanela ho ela hloko tjehelete efe kapa efe e fetiseditsweng pele ho ya ka karolwana ya 13(1) ha e lekanya kabo ya ditjhelete ho mokga wa dipolotiki o emetsweng. 25

(6) Kabo ya ditjhelete efe kapa efe e tswang Letloleng e yang ho mokga wa dipolotiki o emetsweng e fela ha mokga o kgaotsa ho ba le boemedi jwaloka ha ho lohothwa karolwaneng ya (1).

(7) Komishine e tlamehile ho lefa ditjhelete tse abilweng ho mokga ka mong wa dipolotiki o nang le boemedi ka mekgahlelo e behilweng. 30

#### **Dipheo tseo tjehelete e tswang Letloleng di ka sebedisetswang tsona**

7. (1) Mabapi le karolwana ya (2), tjehelete e lefilweng ho ya ka karolo ya 6(7) e ka sebediswa ke mokga oo wa dipolotiki o nang le boemedi bakeng sa sepheo sefe kapa sefe se tsamaelanang le tshebetso ya ona jwalo ka mokga wa dipolotiki demokerasing ya sekwalejwale ho kenyelletswa— 35

- (a) ntshetsopele ya ditakatso tsa batho tsa sepolotiki;
- (b) ho tlisa tshusumetso e utlwahalang ya mokga wa dipolotiki bakeng sa ho susumetsa maikutlo a setjhaba;
- (c) ho kgothatsa le ho ntshetsa pele thuto ya dipolotiki; 40
- (d) ho phahamisa ho ba le seabo ka mafolofolo ha moahi ka mong bophelong ba dipolotiki;
- (e) ho ba le tshusumetso mekgweng ya dipolotiki;
- (f) ho netefatsa dikamano tse tswellang le tse bohlokwa mahareng a batho le makala a mmuso; le 45
- (g) ho ikamahanya le dipehelo tsa Molao ona.

(2) Ditjhelete tse lefilweng ho ya ka karolo ya 6(7) ha di a tshwanela ho sebediswa ke mokga oo wa dipolotiki—

- (a) ka sepheo sa ho lefa meputso, tefo, moputso, ditsiane ka kotloloho kapa tjehe, kapa melemo e meng ho mang kapa mang— 50
  - (i) ya emetseng mokga lekgotleng lefe kapa lefe la ketsamelao maamong a naha kapa a provense, kapa Lekgotleng la Masepala; kapa
  - (ii) ya hirilweng ke kapa ya sebeletsang mmuso mme a fumana moputso ka baka la ho hirwa kapa ka mosebetsi oo;
- (b) ho fana ka ditjhelete kapa ho nyehela, e ka ba ka kotloloho kapa tjehe, tabeng, lebakeng, ketsahalang kapa tshebetsong efe kapa efe, e kgahlanong le khoutu ya boitshwaro e tlamang ditho tsa Palamente kapa ditho tsa lekgotla la ketsamelao; 55

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- (c) directly or indirectly for the purpose of establishing any business, or acquiring or maintaining any right of financial interest whatsoever in any business, or in any immovable property, except where the right or interest in the immovable property is to be used by the party solely for party political purposes;
- (d) to defray legal costs relating to internal political party disputes; or 5
- (e) for a purpose as may be prescribed.

### CHAPTER 3

#### DIRECT FUNDING OF POLITICAL PARTIES

##### Prohibited donations

- 8. (1) Political parties may not accept a donation from any of the following sources: 10
  - (a) Foreign governments or foreign government agencies;
  - (b) subject to subsection (4), foreign persons or entities;
  - (c) organs of state; or
  - (d) state-owned enterprises.
- (2) A political party may not accept a donation from a person or entity in excess of the 15 prescribed amount within a financial year.
- (3) A political party may not accept a donation that it knows or ought reasonably to have known, or suspected, originates from the proceeds of crime and must report that knowledge or suspicion to the Commission.
- (4) Subject to subsection (5), nothing in subsection (1)(b) prevents a political party 20 from accepting donations from foreign entities for the purpose of—
  - (a) training or skills development of a member of a political party; or
  - (b) policy development by a political party.
- (5) The total donations contemplated in subsection (4) is limited to a prescribed 25 amount within a financial year.

##### Disclosure of donations to political party

- 9. (1) A political party must disclose to the Commission all donations received—
  - (a) above the prescribed threshold; and
  - (b) in the prescribed form and manner.
- (2) A juristic person or entity that makes a donation above the threshold prescribed in 30 terms of subsection (1)(a) must disclose that donation to the Commission in the prescribed form and manner.
- (3) The Commission must publish the donations disclosed to it in terms of subsections (1) and (2)—
  - (a) on a quarterly basis; and 35
  - (b) in the prescribed form and manner.
- (4) Nothing in this section detracts from rights given effect to by the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000).

##### Prohibition on donation to member of political party

- 10. (1) No person or entity may deliver a donation to a member of a political party 40 other than for party political purposes.
- (2) A member of a political party may only receive a donation contemplated in subsection (1) on behalf of the party.
- (3) No person may circumvent subsections (1) or (2), or any of the provisions of this 45 Chapter.

- (c) Bakeng sa sepheo sa ho theha kgwebo efe kapa efe ka kotloloho kapa tjhe, kapa ho fumana kapa ho dula o na le tokelo efe kapa efe ya tswala ya ditjhelete dife kapa dife kgwebong efe kapa efe, kapa thepa efe kapa efe e sa tsamayeng, ntle le moo tokelo kapa tswala ya thepa e sa tsamayeng e tlang ho sebediswa ke mokga wa dipolotiki bakeng sa dipheo tsa mokga wa dipolotiki; 5
- (d) ho phumola ditjeo tsa maqwetha tse mabapi le diqhwebeshano tse karaha mokga wa dipolotiki; kapa
- (e) bakeng sa sepheo jwalo kaha se hlahositswe.

### KGAOLO 3

#### HO FANA KA DITJHELETE HO MEKGA YA DIPOLOTIKI KA KOTLOLOHO 10

##### Dinyehelo tse sa dumellwang

8. (1) Mekga ya dipolotiki ha e a tshwanela ho amohela dinyehelo tse tswang mehloding efe kapa efe ho ena:
- (a) Mmuso wa kantle kapa ejensi ya mmuso wa kantle;
  - (b) ho ya ka karolwana ya (4), batho ba matswantle kapa ditheo tsa kantle; 15
  - (c) ditheo tsa mmuso; kapa
  - (d) dikgwebo tsa mmuso.
- (2) Mokga wa dipolotiki ha o a tshwanela ho amohela nyehelo e tswang ho motho kapa setheo e fetang tjhelete e hlahositsweng hara selemo sa ditjhelete.
- (3) Mokga wa dipolotiki ha o a tshwanela ho amohela nyehelo eo o tsebang kapa eo bonyane o tshwanetseng hore o be o tseba, kapa o belaela, hore e fumanwe ka ho roba molao, mme o tlamehile ho tlaleha tsebo kapa pelaelo eo ho Komishine. 20
- (4) Ho latela karolwana ya (5), ha ho letho ho karolwana ya (1)(b) le thibelang mokga wa dipolotiki ho amohela dinyehelo tse tswang ditheong tsa dinaha tse ding bakeng sa—
- (a) thupello le ntshetsopele ya bokgoni ba setho sa mokga wa dipolotiki; kapa 25
  - (b) ho etswa ha maano ke mokga wa dipolotiki.
- (5) Dinyehelo tsohle tse lohothwang karolwaneng ya (4) di fella moeding o hlahositsweng ka selemo sa ditjhelete.

##### Tsebahatso ya dinyehelo ho mokga wa dipolotiki

9. (1) Mokga wa dipolotiki o tlameha ho senolela Komishene dinyehelo tsohle tseo o di fumaneng— 30
- (a) tse kahodimo ho moedi o hlahositsweng; le
  - (b) ka tsela le mokgwa o hlahositsweng.
- (2) motho kapa ditheo tse nang le tokelo ya molao tse nyehelang kahodimo ho moedi o hlahositsweng ho latela karolwana ya (1)(a) di tlameha ho senolela Komishene ka tsela le mokgwa o hlahositsweng. 35
- (3) Komishene e tlameha ho phatlalatsa dinyehelo tseo e di senoletsweng ho latela dikarolwana tsa (1) le (2)—
- (a) ka kotara le kotara; le
  - (b) ka tsela le mokgwa o hlahositsweng. 40
- (4) Ha ho letho karolong ena le thibelang ditokelo tse fanwang ke Molao wa Phihleleho ya Lesedi, wa 2000 (Molao wa 2 wa 2000).

##### Thibelo ya nyehelo ho setho sa mokga wa dipolotiki

10. (1) Ha ho motho kapa setheo se ka fanang ka nyehelo ho setho sa mokga wa dipolotiki ntle le e mabapi le dipheo tsa mokga wa dipolotiki. 45
- (2) Setho sa mokga wa dipolotiki se ka amohela nyehelo e lohothwang karolwaneng ya (1) lebitsong la mokga wa dipolotiki feela.
- (3) Ha ho motho ya ka qobang dikarolwana tsa (1) kapa (2), kapa pehelo efe kapa efe ya kgaolo ena.

## CHAPTER 4

## DUTIES OF POLITICAL PARTIES

**Political party to furnish information to Commission**

**11.** In order for the Commission to monitor compliance with this Act, a political party must, at the prescribed times, furnish the Commission with any information and documentation that is prescribed, or required in terms of a direction issued under section 15. 5

**Political party to account for income**

- 12.** (1) A political party must—
- (a) deposit all donations received by that political party, membership fees and levies imposed by the political party on its representatives into an account with a bank registered as a bank in terms of the Banks Act, 1990 (Act No. 94 of 1990), in that political party's name; 10
  - (b) keep a separate account with a bank registered as a bank in terms of the Banks Act, 1990 (Act No. 94 of 1990), into which all money allocated to it from the Funds must be deposited; 15
  - (c) appoint an office-bearer or official of that political party as its accounting officer; and
  - (d) appoint an auditor registered and practising as such in terms of the Auditing Professions Act, 2005 (Act No. 26 of 2005), to audit its books and financial statements. 20
- (2) The accounting officer contemplated in subsection (1)(c) must—
- (a) account for all income received by the political party;
  - (b) ensure that—
    - (i) any money allocated from the Funds is not paid out for a purpose not authorised by this Act; and 25
    - (ii) the political party complies with this Act;
  - (c) keep separate books and records of account, in the prescribed manner, in respect of money allocated from the Funds and all transactions involving that money; and 30
  - (d) within the prescribed period—
    - (i) prepare a statement showing all money received by the represented political party from the Funds during the previous financial year, the application of that money and the purposes for which the money has been applied; 35
    - (ii) prepare a statement showing all donations and membership fees, and any levy imposed by the political party on its elected representatives during that financial year; and
    - (iii) submit those statements and the books and records of account to an auditor appointed in terms of subsection (1)(d). 40
- (3) On receipt of the statements, books and records contemplated in subsection (2)(d)(iii), the auditor must perform an audit of the financial statements and express an opinion on those statements—
- (a) indicating whether the donations received by the political party comply with section 8(1); 45
  - (b) listing the donations required to be disclosed in terms of section 9(1);
  - (c) listing the donations under the threshold prescribed in section 9(1);
  - (d) indicating whether any income was received by the political party other than provided for in terms of this Act;
  - (e) indicating whether the transactions in the financial statements related to the money allocated from the Funds are in accordance with this Act; and 50
  - (f) indicating whether any money lent to a political party is on commercial terms.

**KGAOLO 4****MESEBETSI YA MEKGA YA DIPOLOTIKI****Mokga wa dipolotiki o tlameha ho fana ka lesedi Komisheneng**

**11.** Hore Komishene e tle e kgone ho hlaloba boikamahanyo le Molao ona, mokga wa dipolotiki o tlameha, ka dinako tse hlahositsweng, ho nehelana ka lesedi le ditokomane dife kapa dife tse hlahositsweng Komisheneng, kapa tse hlokalang ho latela taelo e ntshitsweng ka tlasa karolo ya 15. 5

**Mokga wa dipolotiki o tlameha ho itlhalosa bakeng sa tjhelete ya lekeno**

- 12.** (1) Mokga wa dipolotiki o tlameha ho—
- (a) kenya dinyehelo tsohle tseo o di fumaneng, ditefello tsa botho le ditefello tseo mokga o di lefising baemedi ba ona akhaonteng ya banka e ngodisitsweng ho latela Molao wa Dibanka, wa 1990 (Molao wa 94 wa 1990), ka lebitso la mokga oo; 10
  - (b) ba le akhaonte e ka thoko bankeng e ngodisitsweng ho latela Molao wa Dibanka wa 1990 (Molao wa 94 wa 1990), eo tjhelete yohle eo mokga o e abetsweng ho tswa Matloleng e tlamehang ho kenngwa; 15
  - (c) hira moemedi wa ofisi kapa mohlanka wa mokga oo wa dipolotiki ele mohlanka ya ikarabelang; le
  - (d) ho hira mohlalobi wa dibuka tsa ditjhelete ya ngodisitsweng a sebetsa mosebetsi oo ho latela Molao wa Diprofeshene tsa ho Hlahloba Dibuka tsa Ditjhelete, wa 2005 (Molao wa 26 wa 2005), ho hlaloba dibuka tsa ona tsa ditjhelete le setatemente sa ditjhelete. 20
- (2) Mohlanka ya ikarabelang ya lohothwang karolwaneng ya (1)(c) o tlameha ho—
- (a) arabela ditjhelete tsohle tse fumaneng ke mokga ona wa dipolotiki;
  - (b) netefatsa hore— 25
    - (i) tjhelete efe kapa efe e abilweng ho tswa Matloleng ha e lefelwe lebaka le sa dumellwang ke Molao ona; mme
    - (ii) mokga wa dipolotiki o ikamahanya le Molao ona;
  - (c) mokga o na le dibuka le direkoto tsa boikarabelo tse arohaneng, ka mokgwa o hlahositsweng, mabapi le tjhelete e abilweng ho tswa Matloleng le diphapanyetsano tsohle tse kenyeletsang tjhelete eo; le 30
  - (d) ka nako e hlahositsweng—
    - (i) ho hlophisa setatemente se bontshang tjhelete yohle e fumaneng ke mokga wa dipolotiki o nang le boemedi ho tswa Matloleng selemong se fetileng sa ditjhelete, tshebediso ya tjhelete eo le mabaka ao tjhelete eo e a sebeditseng; 35
    - (ii) ho hlophisa setatemente se bontshang dinyehelo le ditefello tsa botho tsohle, le ditefello dife kapa dife tseo mokga wa dipolotiki o di lefising baemedi ba ona ba kgethilweng selemong seo sa ditjhelete; le
    - (iii) ho isa ditatemente le dibuka le direkoto tsa akhaonte tseo ho mohlalobi wa dibuka tsa ditjhelete ya behilweng ho latela karolwana ya (1)(d). 40
- (3) Ha a fumana ditatemente, dibuka le direkoto tse lohothwang karolwaneng ya (2)(d)(iii), mohlalobi wa dibuka tsa ditjhelete o tlameha ho hlaloba ditatemente tsa ditjhelete mme a hlalise maikutlo a hae ka ditatemente tse—
- (a) bontshang hore na dinyehelo tse fumaneng ke mekga ya dipolotiki di tsamaelana le karolo ya 8(1); 45
  - (b) lokodisang dinyehelo tse hlokanang ho senolwa ho latela karolo ya 9(1);
  - (c) lokodisang dinyehelo tse ka tlasa ho moedi o hlahositsweng karolong ya 9(1);
  - (d) bontshang hore na ho teng tjhelete e nngwe e fumaneng ke mokga wa dipolotiki ntle le e hlahositsweng ho latela Molao ona; 50
  - (e) bontshang hore na diphapanyetsano tse ditatementeng tsa ditjhelete tse amanang le tjhelete e abilweng ho tswa Matloleng di ikamahanya le Molao ona; le
  - (f) tse bontshang hore na ho teng tjhelete e kadinngweng mokga wa dipolotiki bakeng sa kgwebo. 55

(4) The accounting officer must submit the auditor's opinion and audited financial statements to the Commission within the prescribed period.

(5) The Auditor-General may at any reasonable time audit any represented political party's books, records of account and financial statements relating to money allocated to the party from the Represented Political Party Fund. 5

#### **Unspent money at end of financial year**

**13.** (1) Any money allocated from the Funds to a represented political party that is unspent at the end of the financial year must be shown as a credit balance carried forward to the next financial year in the—

(a) account contemplated in section 12(1)(b); and 10

(b) books and records of account contemplated in section 12(2)(c).

(2) If Parliament or a provincial legislature is dissolved in terms of section 50 or section 109 of the Constitution respectively, or when the terms of these legislatures expire, a represented political party to whom money has been allocated from the Funds and that fails to obtain representation in any legislature in the next election must— 15

(a) within 21 days after that election—

(i) close its books and records in respect of those Funds; and

(ii) repay to the Commission the unspent balance of the money allocated to that political party; and

(b) within three months after that election submit an audited financial statement of 20  
the books and records contemplated in paragraph (a)(i) to the Commission.

### **CHAPTER 5**

#### **ENFORCEMENT**

##### **Commission's monitoring and inspection powers**

**14.** (1) The Commission must monitor compliance by political parties with this Act 25  
by, subject to subsection (2), evaluating the information and documentation provided by political parties in terms of this Act.

(2) In order to monitor compliance with this Act or investigate a complaint, the Commission may request any person—

(a) to disclose any relevant information; 30

(b) to produce, in whatever form, any relevant books, records, reports and other documentation;

(c) for permission to—

(i) enter any premises during ordinary working hours to inspect any relevant 35  
book, record, report and other document; or

(ii) copy or store in any format, any information, books, records, reports or other documentation produced in terms of paragraph (b) or discovered in terms of paragraph (c)(i); or

(d) to answer a question about any relevant information.

(3) If any person refuses or fails to comply with a request contemplated in 40  
subsection (2), the Commission may apply to the Electoral Court for an order to compel compliance with that subsection.

(4) If a complaint relating to the income or expenditure of a political party is lodged 45  
with the Commission, it must, if the chief executive officer is of the view that there is *prima facie* substance to the complaint, investigate the complaint.

##### **Commission's power to issue directions**

**15.** (1) The Commission may issue a direction to a political party in the prescribed 50  
manner in order to avoid imposing a sanction—

(a) after affording that party an opportunity to make representations; and

(b) if it is of the opinion that the party fails to comply with this Act. 50



(4) Mohlanka ya ikarabelang o tlameha ho isa maikutlo a mohlalobi wa dibuka tsa ditjhelete le ditatente tsa ditjhelete Komisheneng nakong e hlahositsweng.

(5) Mohlahlobi-Kakaretso wa dibuka tsa ditjhelete a ka hlahloba dibuka, direkoto tsa akhaonte le ditatente tsa ditjhelete tsa mokga ofe kapa ofe wa dipolotiki o nang le boemedi tse amanang le tjhelete e abetsweng mokga oo ho tswa Letloleng la Mekga ya Dipolotiki e Nang le Boemedi, ha nako e dumela. 5

### Tjhelete e sa sebediswang ha selemo sa ditjhelete se fela

13. (1) Tjhelete efe kapa efe e abetsweng mokga wa dipolotiki o nang le boemedi ho tswa Matloleng e sa sebediswang ha selemo sa ditjhelete se fela e tlameha ho bontshwa ele tjhelete e setseng e tla fetisetswa selemong se latelang sa ditjhelete— 10

(a) akhaoteng e lohothwang karolong ya 12(1)(b); le

(b) dibukeng le direktong tsa boikarabelo tse lohothwang karolong ya 12(2)(c).

(2) Haeba Palamente kapa lekgotla la ketsamelao la provense le qhalwa ho latela karolo ya 50 kapa karolo ya 109 ya Molaotheo ka tatelano, kapa ha nako ya makgotla ana a ketsamelao e fela, mokga o emetsweng wa dipolotiki o abetsweng tjhelete ho tswa Matloleng o hlolehang ho fumana boemedi ketsamolaong efe kapa efe dikgethong tse latelang o tlameha hore— 15

(a) matsatsing a 21 kamora dikgetho tseo o—

(i) kwale dibuka le direkoto tsa ona tse mabapi le Matlole ao; mme

(ii) kgutlisetse ho Komishene tjhelete e sa sebediswang eo o e abetsweng; mme 20

(b) nakong ya dikgwedi tse tharo kamora dikgetho o ise setatente se hlahlobilweng sa ditjhelete tsa dibuka le direkoto tse lohothwang seratswaneng sa (a)(i) Komisheneng.

### KGAOLO 5

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### QOBELLO

#### Matla a Komishene a ho disa le ho hlahloba

14. (1) Komishene e tlameha ho disa boikamahanyo ba mekga ya dipolotiki le Molao ona ka, ho latela karolwana ya (2), ho hlahloba lesedi le ditokomane tse tswang mekgeng ya dipolotiki ho ya ka Molao ona. 30

(2) Hore e kgone ho disa boikamahanyo le Molao ona kapa ho fuputsa tletlebo, Komishene e ka kopa mang kapa mang—

(a) ho tsebahatsa lesedi lefe kapa lefe le tshwanelehang;

(b) ho hlahisa, ka tsela efe kapa efe, dibuka, direkoto, ditlaleho le ditokomane tse ding; 35

(c) bakeng sa tumello ho—

(i) kena dibakeng tsa mosebetsi nakong ya dihora tsa mosebetsi tse tlwaelehileng ho hlahloba buka, rekoto, tlaleho le tokomane efe kapa efe e bohlokwa; kapa

(ii) kopolla kapa ho boloka ka mokgwa ofe kapa ofe, lesedi, dibuka, direkoto, ditlaleho kapa ditokomane dife kapa dife tse hlahiswang ho latela serapa (b) kapa tse fumanweng ho latela serapa sa (c)(i); kapa 40

(d) ho araba potso mabapi le lesedi lefe kapa lefe le tshwanelehang.

(3) Haeba motho ofe kapa ofe a hana kapa a hloleha ho latela kopo e lohothwang karolwaneng ya (2), Komishene e ka etsa kopo Lekgotleng la Dikgetho ya taelo e qobellang boikamahanyo le karolwana eo. 45

(4) Haeba tletlebo e amanang le lekeno kapa ditjeo tsa mokga wa dipolotiki e iswa Komisheneng, e tlameha, haeba Mohlanka e Moholo wa Phethahatso a na le mohopolo wa hore tletlebo eo e a tshwareha, ho fuputsa tletlebo eo.

#### Matla a Komishene a ho fana ka ditaelo

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15. (1) Komishene e ka fana ka taelo ho mokga wa dipolotiki ka mokgwa o hlahositsweng hore e kgone ho qoba ho fana ka kotlo—

(a) kamora ho fa mokga oo monyetla wa ho itela; le

(b) haeba e na le maikutlo a hore mokga ha o ikamahanye le Molao ona.



(2) The direction contemplated in subsection (1) must indicate which of the following sanctions that the Commission may impose if the political party fails to comply with that direction:

- (a) Suspension of payment of allocated money under section 16;
- (b) the recovery of money irregularly accepted or spent under 17; or 5
- (c) the imposition of an administrative fine in terms of section 18.

#### **Power to suspend payment of money**

**16.** (1) Subject to subsection (2), the Commission—

- (a) may suspend the payment of money to a represented political party envisaged in section 6(7) if it is satisfied on reasonable grounds that the represented political party has failed to comply with this Act; and 10
- (b) must terminate the suspension contemplated in paragraph (a) if the Commission is satisfied that the suspension is no longer justified in the light of the represented political party's subsequent conduct.

(2) The Commission may only suspend payment in terms of subsection (1)(a) if it has issued a direction under section 15. 15

#### **Power to recover money irregularly accepted or spent**

**17.** (1) A political party is liable to pay to the Commission any money that is—

- (a) accepted in contravention of sections 8, 9(1) or 10; or
- (b) spent in contravention of section 7. 20

(2) The Commission must recover any money contemplated in subsection (1) by—

- (a) instituting a civil claim; or
- (b) setting off the liability against any amount to be allocated to a represented political party from the Funds.

(3) Any money paid in terms of subsection (1) or recovered in terms of subsection (2)(a) must be credited to the Funds. 25

(4) A represented political party contemplated in subsection (1) may not share in any allocation of the paid back or recovered money.

#### **Administrative fines**

**18.** (1) The Commission may institute proceedings to request the imposition of an administrative fine in respect of any contravention of this Act. 30

(2) The Electoral Court may impose an administrative fine in accordance with Schedule 1 in respect of a contravention or a repeated contravention of this Act.

#### **Offences and penalties**

**19.** (1) Any person commits an offence who contravenes— 35

- (a) sections 8, 9(1), 9(2) or 10; or
- (b) sections 12(1), 12(2), 12(4) or 13(2).

(2) Any person convicted of any offence referred to in—

- (a) subsection (1)(a), may be sentenced to a fine or to imprisonment for a period not exceeding 5 years or both; or 40
- (b) subsection (1)(b), may be sentenced to a fine or to imprisonment for a period not exceeding two years or both.

#### **Review or appeals**

**20.** (1) Any person may review or appeal any decision of the Commission made in terms of this Act. 45

(2) Taelo e lohothwang karolwaneng ya (1) e tlameha ho bontsha hore ke efe ya dikotlo tse latelang eo Komishene e ka fanang ka yona haeba mokga wa dipolotiki o hloleha ho ikobela taelo eo:

- (a) Kemiso ya tefo ya tjhelete e abilweng ho ya ka karolo 16;
- (b) ho amoha mokga wa dipolotiki tjhelete e amohetsweng ka mokgwa o sa amoheleheng kapa e sebedisitsweng ho ya ka 17; kapa 5
- (c) ho fana ka kotlo ya ho lefisa mokga wa dipolotiki ditjhelete tsa tsamaiso ho latela karolo 18.

#### Matla a ho emisa tefo ya tjhelete

16. (1) Ho latela karolwana ya (2), Komishene— 10
- (a) e ka emisa tefo ya tjhelete ho mokga wa dipolotiki o nang le boemedi jwalokaha ho lebelletswe karolong ya 6(7) haeba e kgotsofetse ka tlasa mabaka a utlwalang hore mokga wa dipolotiki o nang le boemedi o hlolehile ho ikobela Molao ona; le
  - (b) e tlameha ho kgaotsa kemiso ya tefo ya tjhelete e lohothwang serapeng sa (a) haeba Komishene e kgotsofetse hore kemiso ya tefo ha e sa lokile ka lebaka la boitshwaro ba mokga wa dipolotiki kamora kotlo. 15
- (2) Komishene e ka emisa tefo ya tjhelete ho latela karolwana ya (1)(a) feela haeba e ntshitse taelo ho latela karolo ya 15.

#### Matla a ho amoha tjhelete e amohetsweng kapa e sebedisitsweng ka mokgwa o sa amoheleheng 20

17. (1) Mokga wa dipolotiki o tshwanela ho lefa Komishene tjhelete efe kapa efe e—
- (a) amohetsweng ka ho tlola dikarolo tsa 8, 9(1) kapa 10; kapa
  - (b) e sebedisitsweng ka ho tlola karolo ya 7.
- (2) Komishene e tlameha ho amoha mokga tjhelete efe kapa efe e lohothwang karolwaneng ya (1) ka ho— 25
- (a) ritela nyewe ya tseko ya tefo ya tjhelete; kapa
  - (b) beha boikarabelo ba ho lefa tjhelete efe kapa efe e tla abelwa mokga wa dipolotiki ho tswa Matloleng ho mokga.
- (3) Tjhelete efe kapa efe e lefshwang ho latela karolwana ya (1) kapa e kgutlisitsweng ho latela karolwana ya (2)(a) e tlameha ho iswa Matloleng. 30
- (4) Mokga wa dipolotiki o nang le boemedi o lohothwang karolwaneng ya (1) o keke wa fumana letho kabong efe kapa efe ya tjhelete e amohilweng kapa e kgutlisitsweng.

#### Dikotlo tsa tefiso ya tjhelete

18. (1) Komishene e ka thakgola mokgwatsamaiso wa ho kopa phano ya kotlo ya ho lefisa tjhelete ya tsamaiso mabapi le tlolo efe kapa efe ya Molao ona. 35
- (2) Lekgotla la Dikgetho le ka fana ka kotlo ya ho lefisa tjhelete ho ya ka Sekejule sa 1 mabapi le tlolo kapa ditlolo tsa Molao ona kgafetsa.

#### Ditlolo tsa molao le dikotlo

19. (1) Motho ofe kapa ofe o tlola molao ha a tlola— 40
- (a) dikarolo tsa 8, 9(1), 9(2) kapa 10; kapa
  - (b) dikarolo tsa 12(1), 12(2), 12(4) kapa 13(2).
- (2) Mang kapa mang ya molato wa tlolo ya molao e boletsweng ho—
- (a) karolwana ya (1)(a), a ka ahlolwa ka ho lefisa tjhelete kapa a iswa tjhankaneng nako e sa feteng dilemo tse 5 kapa dikahlolo ka bobedi; kapa 45
  - (b) karolwana ya (1)(b), a ka ahlolwa tefiso ya tjhelete kapa ho ya tjhankaneng dilemo tse sa feteng tse pedi kapa dikahlolo ka bobedi.

#### Tjhebotjha kapa boipiletso

20. (1) Mang kapa mang a ka sheba botjha kapa a ipiletsa kgahlano le geto efe kapa efe ya Komishene e entsweng ho latela Molao ona. 50

(2) Subject to subsection (3), the Electoral Court established in terms of section 18 of the Electoral Commission Act has the exclusive jurisdiction to hear and determine any review or appeal against any decision of the Commission under this Act.

(3) Section 20(2) of the Electoral Commission Act does not apply to reviews or appeals under this Act. 5

## CHAPTER 6

### GENERAL PROVISIONS

#### Administration

**21.** (1) The Commission may establish a separate unit within the Commission to exercise the powers conferred on, perform the functions granted to and the duties imposed on, the Commission in terms of this Act. 10

(2) The Commission must appoint a suitably qualified and experienced person as the chief executive officer of—

- (a) the Funds; and
- (b) the unit contemplated under subsection (1), if established under that subsection. 15

#### Report to Parliament

**22.** (1) The Commission must for each financial year—

- (a) prepare a report in relation to the Funds, setting out—
  - (i) the amounts received by and accrued to the Funds; 20
  - (ii) the allocations made from the Funds to the represented political parties;
  - (iii) the amounts spent by each represented political party in connection with the purpose under the prescribed categories; and
  - (iv) the balance in each of the Funds and any amounts owing to the Fund as at the end of that financial year; 25
- (b) report on all donations made to political parties in that year; and
- (c) submit the report and the Commission's books and records of account relating to the Funds to the Auditor-General for auditing.

(2) The Auditor-General must audit and submit an audit report on the Commission's books and records in respect of the Funds to the Commission. 30

(3) The Commission must submit its report and the Auditor-General's report together with the Commission's annual report in terms of section 14 of the Electoral Commission Act to the National Assembly.

#### Funding of represented political parties by legislatures

**23.** (1) Parliament or a provincial legislature may not fund represented political parties other than through sections 57(2) and section 116(2) of the Constitution, section 34 of the Financial Management of Parliament and Provincial Legislatures Act, 2009 (Act No. 10 of 2009) and this Act. 35

(2) The accounting officer of a legislature as defined in section 1 of the Financial Management of Parliament and Provincial Legislatures Act, 2009 (Act No. 10 of 2009), must annually in the prescribed form and manner disclose any funding of represented political parties under sections 57(2) and 116(2) of the Constitution respectively, to the Commission. 40

#### Regulations

**24.** (1) The President, acting on a resolution of the National Assembly, may by proclamation in the *Gazette* make regulations in respect of matters contemplated in sections 6(2), 7(2)(e), 8(2), 8(5) and 9(1)(a). 45

(2) Ho latela karolwana ya (3), Lekgotla la Dikgetho le theilweng ho ya ka karolo ya 18 ya Molao wa Komishene ya Dikgetho ke lona feela le nang le matla a ho mamela le ho nka qeto mabapi le tjhebotjha kapa boipiletso bofe kapa bofe kgahlano le qeto e nkilweng ke Komishene ka tlasa Molao ona.

(3) Karolo ya 20(2) ya Molao wa Komishene ya Dikgetho ha e sebetse ho ditjhebotjha le boipiletso ka tlasa molao ona. 5

## KGAOLO 6

### DIPEHELO TSE AKARETSANG

#### Tsamaiso

21. (1) Komishene e ka theha yuniti e nngwe kahara Komishene ho sebedisa matla a fanweng, ho etsa mesebetsi o e filweng le mesebetsi e meng e nehilweng, Komishene ho latela Molao ona. 10

(2) Komishene e tlameha ho beha motho ya nang le mangolo le boiphihlelo bo loketseng ho ba mohlanka e moholo wa phethahatso wa—

- (a) Matlole; le 15
- (b) yuniti e lohothwang ka tlasa karolwana ya (1), haeba e theilwe ka tlasa karolwana eo.

#### Ho tlalehela Palamente

22. (1) Komishene e tlameha hore selemong se seng le se seng sa ditjhelete e— 20

- (a) hlophise tlaleho e mabapi le Matlole, e hlahisang—
  - (i) ditjhelete tse fumanweng le tse ekeditsweng ke Matlole;
  - (ii) tjehelete e abetsweng mekga ya dipolotiki e nang le boemedi ho tswa Matloleng;
  - (iii) ditjhelete tse sebedisitsweng ke mokga o mong le o mong wa dipolotiki o emetsweng le sepheo se amanang le dikarolo tse hlahositsweng; le 25
  - (iv) tjehelete e setseng Letloleng ka leng le ditjhelete tse kolotwang Letlole ha selemo seo sa ditjhelete se fela;
- (b) tlalehe dinyehelo tsohle tse fuweng mekga ya dipolotiki selemong seo; le
- (c) ho isa tlaleho le dibuka le direkoto tsa boikarabelo tsa Komishene tse amanang le Matlole ho Mohlahlobi-Kakaretso wa Dibuka tsa Ditjhelete bakeng sa ho hlahlojwa. 30

(2) Mohlahlobi-Kakaretso wa Dibuka tsa Ditjhelete o tlameha ho hlahloba le ho isa tlaleho ya tlhahlobo ya dibuka le direkoto tsa Komishene tse amanang le Matlole Komisheneng.

(3) Komishene e tlameha ho isa tlaleho ya yona le ya Mohlahlobi-Kakaretso wa Dibuka tsa Ditjhelete hammoho le tlaleho ya selemo ya Komishene ho latela karolo ya 14 ya Molao wa Komishene ya Dikgetho ho Seema sa Naha. 35

#### Tshehetso ya mekga ya dipolotiki e nang le boemedi ka ditjhelete ke makgotla a ketsamelao

23. (1) Palamente kapa lekgotla la ketsamelao la provense le keke la tshehetsa mekga ya dipolotiki e emetsweng ntle le ka karolo ya 57(2) le karolo ya 116(2) tsa Molaotheo, karolo ya 34 ya Molao wa Taolo ya Ditjhelete tsa Palamente le Makgotla a Ketsamelao, wa 2009 (Molao wa 10 wa 2009). 40

(2) Mohlanka ya ikarabelang wa lekgotla la ketsamelao jwalokaha ho hlahositswe karolong ya 1 ya Molao wa Taolo ya Ditjhelete tsa Palamente le Makgotla a Ketsamelao, wa 2009 (Molao wa 10 wa 2009), o tlameha ho senolela Komishene ka tsela le mokgwa o hlahositsweng tshehetso efe kapa efe ya ditjhelete ho mekga ya dipolotiki e nang le boemedi ho latela dikarolo 57(2) le 116(2) tsa Molaotheo ka tatellano, selemo le selemo. 45

#### Melawana

24. (1) Mopresidente, a ikamahanya le qeto ya Seema sa Naha, ka phatlalatso *Koranteng ya Mmuso* a ka etsa melawana e mabapi le ditaba tse lohothwang dikarolong tsa 6(2), 7(2)(e), 8(2), 8(5) le 9(1)(a). 50

(2) Subject to subsections (1) and (3), the Commission may make regulations on any matter that may or must be prescribed by notice in the *Gazette*.

(3) Before making any regulations in terms of subsection (2), the Commission must publish the proposed regulations for public comment.

(4) A regulation in terms of this Act must be made by notice in the *Gazette*. 5

#### **Repeal and transitional provisions**

**25.** (1) Save for as provided in this section, the Public Funding of Represented Political Parties Act, 1997 (Act No. 103 of 1997), is hereby repealed.

(2) Despite the repeal of the Public Funding of Represented Political Parties Act, 1997 (Act No. 103 of 1997), under subsection (1)— 10

(a) anything done in terms of that Act which may be done under or in terms of this Act continues to be valid and of full force and effect; and

(b) the Represented Political Parties Fund established under that Act is deemed to be the fund established in terms of section 2(1).

(3) The regulations made under the Public Funding of Represented Political Parties Act, 1997 (Act No. 103 of 1997), are amended by the substitution for those regulations of the regulations contained in Schedule 2. 15

(4) Despite the definition of financial year in section 1, the first financial year of the Multi-Party Democracy Fund runs from the date on which this Act comes into operation until 31 March of the following year. 20

(5) Despite section 9(3), the first disclosure in terms of paragraph (a) of that section must occur within 6 months from the date on which the Act comes into effect.

#### **Short title and commencement**

**26.** (1) This Act is called the Political Party Funding Act, 2018, and subject to subsection (2), comes into operation on a date determined by the President by Proclamation in the *Gazette*. 25

(2) Section 6(7) only comes into effect in respect of the Multi-Party Democracy Fund on a prescribed date.

(2) Ho latela dikarolwana tsa (1) le (3), Komishene e ka etsa melawana tabeng efe kapa efe e ka hlalosewang kapa e tlamehang ho hlalosewa ka tsebiso Koranteng ya Mmuso.

(3) Pele e etsa melawana efe kapa efe ho latela karolwana ya (2), Komishene e tlameha ho phatlalatsa melawana e sisinnwang hore setjhaba se tshwaele. 5

(4) Molawana ho ya ka Molao ona o tlameha ho etswa ka ho etsa tsebiso Koranteng ya Mmuso.

#### **Ho hlakolwa le diphelelo tsa nakwana**

**25.** (1) Ntle moo ho boletsweng karolong ena, Molao wa Tshehetso ka Ditjhelete tsa Setjhaba ho Mekga ya Dipolotiki e Nang le Boemedi, wa 1997 (Molao wa 103 wa 1997), o a hlakolwa. 10

(2) Ntle le ho hlakolwa ha Molao wa Tshehetso ka Ditjhelete tsa Setjhaba ho Mekga ya Dipolotiki e Nang le Boemedi, wa 1997 (Molao wa 103 wa 1997), ho latela karolwana ya (1)—

(a) ntho efe kapa efe e entsweng ho latela Molao oo e ka etswang ka tlasa kapa ho latela Molao ona e ntse e tlama ebile e na le matla e felletseng le ho phethahala; mme 15

(b) Letlole la Mekga ya Dipolotiki e Nang le Boemedi le theilweng ho latela Molao oo le nkwa ele letlole le theilweng ho latela karolo ya 2(1).

(3) Melawana e entsweng ho latela Molao wa Tshehetso ka Ditjhelete tsa Setjhaba ho Mekga ya Dipolotiki e Nang le Boemedi, wa 1997 (Molao wa 103 wa 1997), e fetolwa ka ho nkelwa sebaka ke melawana e kahara Sekejule sa 2. 20

(4) Ntle le tlhaloso ya selemo sa ditjhelete karolong ya 1, selemo sa ditjhelete sa pele sa Letlole la Demokrasi ya Mekga e Mengata se qala letsatsing leo Molao ona o qalang ho sebetsa ho fihlela mohla la 31 Hlakubele selemong se latelang. 25

(5) Ntle le karolo ya 9(3), tsebahatso ya pele ho latela seratswana sa (a) sa karolo eo e tlameha ho etsahala nakong ya dikgwedi tse 6 ho tloha letsatsing leo Molao ona o qalang ho sebetsa.

#### **Sehlooho se sekgutshwane le qalo**

**26.** (1) Moalo ona o bitswa Molao wa Tshehetso ya Ditjhelete ho Mekga ya Dipolotiki, wa 2018, mme ho latela karolwana ya (2), o qala ho sebetsa ka letsatsi le tla behwa ke Mopresidente ka Phatlalatsa Koranteng ya Mmuso. 30

(2) Karolo ya 6(7) e sebetsa feela mabapi le Letlole la Demokrasi ya Mekga e Mengata ka letsatsi le hlalositsewang.

**SCHEDULE 1****MAXIMUM PERMISSIBLE FINES THAT MAY BE IMPOSED FOR  
CONTRAVENING THIS ACT**

This Schedule sets out the maximum fine that may be imposed in terms of this Act for a contravention of certain provisions of this Act. The income referred to column 3 of this Schedule refers to the political party's income as audited in terms of section 12(3) of this Act

| <i>Previous contraventions</i>                                     | <i>Contravention of sections 12(1), 12(2), 12(4) or 13(2)</i> | <i>Contraventions of sections 8, 9(1), 9(2) or 10</i>         |
|--|---|---|
| No previous contravention  | R40 000   | R500 000 or 10 percent of the income, whichever is the higher |
| A previous contravention of the same provision within 2 years      | R50 000   | R600 000 or 15 percent of the income, whichever is the higher |
| Two previous contraventions of the same provision within 3 years   | R75 000   | R700 000 or 20 percent of the income, whichever is the higher |
| Three previous contraventions of the same provision within 3 years | R100 000  | R800 000 or 25 percent of the income, whichever is the higher |
| Four previous contraventions of the same provision within 3 years  | R150 000  | R1 000 000 or 30 percent of the income, whichever is higher   |



**SEKEJULE 1****DIKOTLO TSE HODIMO KA HO FETISISA TSE DUMELLETSWENG TSEO HO KA FANWANG KA TSONA BAKENG SA HO TLOLA MOLAO ONA**

Sekejule sena se hlalosa kotlo e hodimo ka ho fetisisa eo ho ka fanwang ka yona ho ya ka Molao ona bakeng sa tlolo efe kapa efe ya diphelelo tse itseng tsa Molao ona. Lekenno le boletsweng kholomong ya 3 ya Sekejule sena le bolela lekenno la mokga wa dipolotiki jwalo ka ha o hlahlobilwe dibuka ho ya ka karolo ya 12(3) ya Molao ona

| <i>Ditlolo tsa molao tsa nako e fetileng</i>  | <i>Tlolo ya molao ya dikarolo tsa 12(1), 12(2), 12(4) kapa 13(2)</i> | <i>Ditlolo tsa molao tsa dikarolo tsa 8, 9(1), 9(2) kapa 10</i>          |
|---|--|--|
| Ha ho sena ditlolo tsa molao tsa nako e fetileng  | R40 000  | R500 000 kapa peresente tse 10 tsa lekenno, efe kapa efe e leng hodimo   |
| Tlolo ya molao ya nako e fetileng ya pehelo e tshwanang nakong ya dilemo tse 2                | R50 000  | R600 000 kapa peresente tse 15 tsa lekenno, efe kapa efe e leng hodimo   |
| Ditlolo tsa molao tse pedi tsa nako e fetileng tsa pehelo e tshwanang nakong ya dilemo tse 3  | R75 000  | R700 000 kapa peresente tse 20 tsa lekenno, efe kapa efe e leng hodimo   |
| Ditlolo tsa molao tse tharo tsa nako e fetileng tsa pehelo e tshwanang nakong ya dilemo tse 3 | R100 000   | R800 000 kapa peresente tse 25 tsa lekenno, efe kapa efe e leng hodimo   |
| Ditlolo tsa molao tse nne tsa nako e fetileng tsa pehelo e tshwanang nakong ya dilemo tse 3   | R150 000   | R1 000 000 kapa peresente tse 30 tsa lekenno, efe kapa efe e leng hodimo |

**SCHEDULE 2****REGULATIONS ON POLITICAL PARTY FUNDING, 2017****Definitions**

1. In these regulations a word or phrase to which a meaning has been assigned in the Act has that meaning, and, unless the context otherwise indicates—

“**allocated moneys**” means moneys allocated from the Funds to a represented political party during a particular financial year;

“**disclosure threshold**” means the threshold referred to in section 9(1)(a) of the Act;

“**equitable allocation**” means the allocation referred to in regulation 2(2)(b); and

“**proportional allocation**” means the allocation referred to in regulation 2(2)(a).

**Allocation of funding**

2. (1) The total amount of funding available for allocations from each of the Funds during a particular financial year must be announced by the Commission by notice in the *Gazette* within two weeks of the beginning of that financial year.

(2) The allocations from the Funds to be made and paid to each of the represented political parties concerned are calculated by—

(a) allocating two thirds of the total amount of funding determined in terms of subregulation (1) in respect of each of the Funds proportionally in accordance with regulation 3; and

(b) allocating one third of the total amount of funding determined in terms of subregulation (1) in respect of each of the Funds equitably in accordance with regulation 4.

**Proportional allocation**

3. The proportional allocation is determined by dividing each of the amounts contemplated in regulation 2(2)(a) proportionally among the represented political parties in accordance with the number of seats awarded to each party in the National Assembly and the provincial legislatures jointly.

**Equitable allocation**

4. The equitable allocation is determined in the following manner:

(a) The amounts contemplated in regulation 2(2)(b) must be allocated to the national and each of the provincial legislatures in proportion to the number of members of each of those legislatures; and

(b) the allocation to a particular legislature in terms of paragraph (a) must be divided equally among the represented political parties in each of those legislatures.

**Times, Intervals and instalments of payments**

5. (1) All allocations to which a represented political party is entitled as determined in terms of regulations 3 and 4, must be paid to the represented political party in question in four equal instalments, each within three months of the previous payment. The first instalment must be paid within four weeks of the beginning of the financial year in question.

(2) In the event of an election being called in terms of section 49(2) or 108(2) of the Constitution in respect of a particular legislature, any outstanding instalments still to be paid in terms of subregulation (1) to the represented political parties in that legislature during the period of 21 days referred to in section 13(2)(a) of the Act, must be suspended. The instalments so suspended must be distributed within two weeks after the date of election to the political parties that gain representation in the legislature concerned as a result of the election in accordance with the provisions of regulations 3 and 4, as the case may be.

**SEKEJULE 2****MELAWANA YA TSHEHETSO YA DITJHELETE BAKENG SA MEKGA YA DIPOLOTIKI, 2017****Ditlhaloso**

1. Melawaneng ena lentswe kapa polelwana eo ho yona tlhaloso e kentsweng Molaong o nang le tlhaloso eo, mme, ntle le ha feela moelelo o bontsha ka tsela e nngwe—

“**ditjhelete tse abilweng**” di bolela ditjhelete tse abilweng ho tswa Matloleng ho ya mokgeng wa dipolotiki nakong e itseng ya selemo sa ditjhelete;

“**mohatelo o tsebahatsang**” o bolela mohatelo o boletsweng ho karolo ya 9(1)(a) ya Molao ona;

“**kabo e lekanang**” e bolela kabo e boletsweng ho molawana wa 2(2)(b); le

“**kabo ho ya ka divoutu**” e bolela kabo e boletsweng ho molawana wa 2(2)(a).

**Kabo ya ditjhelete**

2. (1) Tjhelete e akaretsang ya ditjhelete tse fumanehang bakeng sa dikabo ho tswa ho Letlole ka leng nakong e itseng ya selemo sa ditjhelete e lokela ho tsebahatswa ke Komishene ka tsebiso Koranteng ya Mmuso nakong ya dibeke tse pedi maqalong a selemo sa ditjhelete.

(2) Dikabo tse tswang Matloleng tse tlang ho etswa le ho lefshwa ho mokga wa dipolotiki ka mong o amehang di balwa ho ya ka—

(a) ho aba pedi borarong ba tjhelete e akaretsang ya ditjhelete tse fihlellwang ho ya ka molawana wa (1) mabapi le Letlole ka leng ho ya ka divoutu ho ipapisitswe le molawana wa 3; le

(b) ho aba nngwe borarong ba tjhelete e akaretsang ya ditjhelete tse fihlellwang ho ya ka molawana wa (1) mabapi le Letlole ka leng ka ho lekana ho ipapisitswe le molawana wa 4.

**Kabo ho ya ka divoutu**

3. Kabo ho ya ka divoutu e fihlellwa ka ho arola e nngwe le e nngwe ya ditjhelete tse boletsweng ke molawana wa 2(2)(a) ho ya ka divoutu mahareng a mekga ya dipolotiki e nang le boemedi ho ya ka palo ya ditulo tse fuweng mokga ka mong ka hara Ntlo ya Naha ya Seema le matlo a ketsamelao ka kopanelo.

**Kabo e lekanang**

4. Kabo e lekanang e fihlellwa ka mokgwa o latelang:

(a) Ditjhelete tse boletsweng molawana wa 2(2)(b) di lokela ho abelwa ntlo ya ketsamelao ya naha le matlo a ketsamelao a porofensi ho ya ka palo ya ditho tsa ntlo ka nngwe ya ketsamelao; le

(b) kabo ho ntlo ya ketsamelao ka nngwe ho ya ka seratswana sa (a) e lokela ho arolwa ka ho lekana mahareng a mekga ya dipolotiki e nang le boemedi ho ntlo e nngwe le e nngwe ya ketsamelao.

**Nako, Dikgefutso le dipeelo tsa ditefo**

5. (1) Dikabo kaofela tseo mekga ya dipolotiki e nang le boemedi e tshwanetsweng ke tsona jwalo ka ha e fihlellswa ho ya ka melawana ya 3 le 4, e lokelwa ho lefshwa ho mekga ya dipolotiki e amehang ka dipeelo tse nne tse lekanang, e nngwe le e nngwe nakong ya dikgwedi tse tharo tsa tefo ya nako e fetileng. Peelo ya pele e lokela ho lefshwa nakong ya dibeke tse nne tsa maqalo a selemo sa ditjhelete se amehang.

(2) Nakong eo ka yona dikgetho di tshwarwang ho latela karolo ya 49(2) kapa 108(2) ya Molaotheo mabapi le ntlo e itseng ya ketsamelao, dipeelo dife kapa dife tse salletseng morao tse lokelang ho lefshwa ho ya ka molawana wa (1) ho mekga ya dipolotiki e nang le boemedi ntlong eo ya ketsamelao nakong ya matsatsi a 21 a boletsweng karolong ya 13(2)(a) ya Molao ona, di lokela ho kginwa. Dipeelo tse kginwang di lokela ho romelwa nakong ya dibeke tse pedi ka mora letsatsi la dikgetho ho mekga ya dipolotiki e nang le boemedi ka hara ntlo ya ketsamelao e amehang ka lebaka la dikgetho ho ipapisitswe le diphelelo tsa melawana ya 3 le 4, kapa ka moo ho ka bang ka teng.

(3) The date contemplated in section 26(2) will be the day when the money in the Multi-Party Democracy Fund reaches a total of one million rand.

#### **Manner of payments**

6. (1) A represented political party must provide the Commission with particulars of the represented political party's banking account contemplated in section 12(1)(b) of the Act, within two weeks of such a banking account being opened.

(2) Any payments to be made to a represented political party in terms of these regulations must be paid into the represented political party's banking account contemplated to in section 12(1)(b) of the Act.

#### **Upper limit of donations**

7. The amount contemplated in section 8(2) of the Act is fifteen million rand within a financial year.

#### **Limit on donations from foreign entity**

8. The amount contemplated in section 8(5) of the Act is five million rand within a financial year.

#### **Disclosure limit**

9. The threshold referred to in section 9(1)(a) of the Act is R100 000,00 within a financial year.

#### **Separate books and records of account**

10. The separate books and records of account required by section 12(2)(c) of the Act must be kept according to generally recognised accepted accounting practices, and must include the following:

- (a) Records showing all transactions involving allocated moneys;
- (b) records showing all assets acquired with allocated moneys;
- (c) records showing commitments entered into in respect of allocated moneys;
- (d) a balance sheet;
- (e) an income and expenditure statement; and
- (f) a cash flow statement.

#### **Generally descriptive categories of purposes in connection with which amounts are spent**

11. (1) Financial statements prepared in relation to the Funds must show the amounts spent during a financial year in question by each represented political party that received allocations in accordance with these regulations in connection with purposes classifiable under the following descriptive categories:

- (a) Personnel expenditure;
- (b) accommodation;
- (c) travel expenses;
- (d) arrangement of meetings and rallies;
- (e) administration;
- (f) promotions and publications; and
- (g) legal expenses incurred in the public interest.

(2) The information required for the purposes of subregulation (1) must be furnished to the Commission by the accounting officer referred to in section 12(1)(c) of the Act within three months after the end of the financial year in question.

#### **Short title**

12. These regulations are called the Regulations on Political Party Funding, 2018.

(3) Letsatsi le boletsweng karolong ya 26(2) e tla ba letsatsi leo ka lona tjhelete e leng Letloleng la Demokerasi le Mekga e Mengata le fihlellang miliyone e le nngwe ya diranta.

#### **Mokgwa wa tefo**

6. (1) Mokga wa dipolotiki o nang le boemedi o lokela ho fa Komishene dintlha tsa akhaonto ya banka ya mokga wa dipolotiki o nang le boemedi o boletsweng karolong ya 12(1)(b) ya Molao nakong ya dibeke tse pedi akhaonto ya banka eo e se e butswa.

(2) Ditefo dife kapa dife tse tlang ho etswa ho mokga wa dipolotiki o nang le boemedi ho ya ka melawana ena e lokela ho lefshwa akhaontong ya banka ya mokga wa dipolotiki o nang le boemedi o boletsweng karolong ya 12(1)(b) ya Molao ona.

#### **Moedi o hodimo wa dithuso tsa ditjhelete**

7. Tjhelete e boletsweng karolong ya 8(2) ya Molao ona ke dimiliyone tse leshome le metso e mehlano tsa diranta nakong ya selemo sa ditjhelete.

#### **Moedi bakeng sa dithuso tsa ditjhelete ho tswa ho mekgatlo ya dinaha tsa kantle**

8. Tjhelete e boletsweng karolong ya 8(5) ya Molao ona ke dimiliyone tse hlano tsa diranta nakong ya selemo sa ditjhelete.

#### **Moedi wa tsebahatso**

9. Moedi o boletsweng karolong ya 9(1)(a) ya Molao ona ke R100 000,00 nakong ya selemo sa ditjhelete.

#### **Dibuka le direkoto tse arohaneng tsa akhaonto**

10. Dibuka le direkoto tse arohaneng tsa akhaonto tse hlokwang ke karolo ya 12(2)(c) ya Molao di lokela ho bolokwa ho ya ka mekgwa e amohetsweng e tsejwang ya kakaretso ya tlhahlobo ya dibuka, mme e lokela ho kenyeletsa tse latelang:

- (a) Direkoto tse bontshang diphapanyetsano kaofela tsa ditjhelete tse kenyeletsang ditjhelete tse abilweng;
- (b) direkoto tse bontshang thepa kaofela e rekilweng ka ditjhelete tse abilweng;
- (c) direkoto tse bontshang boitlamo bohle bo entsweng mabapi le ditjhelete tse abilweng;
- (d) pampiri e bontshang ditjhelete le thepa;
- (e) setatemente sa lekeno le tsebediso ya tjhelete; le
- (f) setatemente sa tjhelete e sebediswang.

#### **Mekgahlelo ya kakaretso e hlahosang maikemisetso ao ditjhelete di sebedisitsweng ka ona**

11. (1) Ditatemente tsa ditjhelete tse hlophisitsweng mabapi le Matlole di lokela ho bontsha ditjhelete tse sebedisitsweng nakong ya selemo sa ditjhelete se amehang ke mokga ka mong wa dipolotiki o amohetseng dikabo ho ya ka melawana e amanang le maikemisetso a ka hlophuwang tlasa mekgahlelo e latelang e hlahosang:

- (a) Tsebediso ya ditjhelete basebetsing;
- (b) marobalo;
- (c) ditjeho tsa maeto;
- (d) ditlhophiso tsa dikopano le dirali;
- (e) tsamaiso;
- (f) diphahamiso le diphatlatso; le
- (g) ditjeho tsa semolao tse bileng teng molemong wa setjhaba.

(2) Tlhahisoleseding e hlokehang bakeng sa maikemisetso a molawana wa (1) e lokela ho fuwa Komishene ke mohlanka ya ikarabellang ya boletsweng karolong ya 12(1)(c) ya Molao ona nakong ya dikgwedi tse tharo ka mora mafelo a selemo sa ditjhelete se amehang.

#### **Thaetlele e kgutshwanyane**

12. Melawana ena e bitswa Melawana ya Tshehetso ya Ditjhelete ho Mekga ya Dipolotiki, 2018.

