

**THE REPRESENTATION OF THE PEOPLE (AMENDMENT) BILL, 2020**

**ARRANGEMENT OF SECTIONS**

1. Short title
2. Commencement
3. Amendment of Section 2(1)
4. Insertion of Part IVB

BASELINE DRAFT

BELIZE

**BILL**

**AN ACT** to amend the Representation of the People Act Chapter 9 of the Substantive Laws of Belize, Revised Edition 2020; to create a framework for the regulation of the campaign financing; to provide for the establishment of a National Campaign Fund; to require electoral candidates to declare campaign contributions and expenditure; and to provide for matters connected therewith or incidental thereto.

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

2. This Act shall come into operation on [*effective date*] published in the *Gazette*.

Amendment of Section 2 of Principal Act 3. Section 2(1) of the principal Act is amended by—

- (a) Inserting the following definitions in the appropriate alphabetical sequence—
  - i. “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<sup>1</sup>;
    - 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;
  - ii. “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 the Government (or such other period as the Commission may, subject to affirmative resolution, prescribe); or
        - b. The day on which the date for an election is officially announced by or on behalf of the Prime Minister; and
      - 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

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<sup>1</sup> **Note:** It is worth confirming whether the term “Registered” aptly applies to Political Parties in Belize.

for the opening of the poll on election day;

- b. An election to a Municipal Body<sup>2</sup>—*being subject to the provisions of the Town Council’s Act, Cap 87, Revised 2011, and the Belize City Council Act, Cap 85, Revised 2011, and the Belmopan City Council Act, 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 Municipal Body’s term of office (or such other period as the Elections Commission may, by order, subject to affirmative resolution, prescribe); or
    - b. The day on which the date for an election to the Municipal Body is officially announced by the Election and Boundaries Commission,
  - 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 the Municipal Government, 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;
- iii. “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, or independent candidate; 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

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<sup>2</sup> **Note:** It is worth debating whether or not this law should extend to the Village Councils’ elections as well. This is governed by the Village Councils Act.

that is acting in support of a registered political party or a candidate; or

- c. Any other person or entity for the purpose of supporting or opposing the candidature of another person or for the purpose of influencing an election; 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;
- iv. “contributor” means a person who, or an entity that, makes a contribution;
- v. “Chief Elections Officer” means the person appointed under section 11 of the Representation of the People Act, Cap 9, of Revised laws of Belize 2011.
- vi. “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 party;
  - c. Money spent otherwise than by, or on behalf of, a registered political party or 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;
- vii. “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;
- viii. “subscription” means any required dues, charge or other fee paid for affiliation to, or membership in, a political party;

3. The principal Act is amended by inserting next after Part IV, the following Part IVB—

“ PART IVB—Political Campaign Financing”

*Interpretation of Part IVB*

Interpretation  
of Part *IVB*

Section 21A. In this Part—

- (i) “Fund” means the National Election Campaign Fund<sup>3</sup> Established by section 21B;
- (ii) “Impermissible contributor” means a State, entity or person referred to in section

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<sup>3</sup> **Note:** the National Election Campaign Fund is a neutral fund into which persons and entities may contribute towards the democratic process **without** having to issue support for any particular Political Party. **See more on the Fund** [HERE](#).

21T(1).

*National Election Campaign Fund*

National Election Campaign Fund

21B—(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 “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) The Belize 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

21C—(1) Subject to the directions of the Commission, the Chief Election Officer shall be responsible for the management and administration of the Fund.

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

Moneys constituting the Fund

21D—The Fund shall consist of—

- (a) Moneys contributed to it by—
  - i. Individuals;
  - ii. Companies and other entities;
  - iii. Belizean Diaspora groups;
- b. Interest and profits accruing from the investment of the moneys.

Accounts of Fund

21E.—(1) The Chief Elections Officer shall cause proper accounts of the Fund to be kept and shall prepare annually statement of accounts in a form satisfactory to the Commission and conforming to generally accepted accounting principles in Belize.

(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

21F.—(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—

$$\left(\frac{A}{B}\right) \times C$$

Where—

**A** is the number of votes cast for that candidate in the election for a particular constituency;

**B** is the total number of votes cast for all candidates in that constituency in the election;

C is the total amount **allocated**<sup>4</sup> from the Fund to that constituency for the election, such allocation being on **the basis that each constituency shall be allocated an equal amount**<sup>5</sup>.

(3) No moneys shall be disbursed to a candidate from the Fund unless—

- (a) The Chief Elections Officer<sup>6</sup> 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.

(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 21BN shall not exceed of the lesser of—

- (a) The total expenditure which that candidate was permitted to incur within the campaign period in accordance with section 21W; or
- (b) The actual expenditure incurred by the candidate within the campaign period, as reflected in the candidate's election return made under section 21AL.

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

***Contributions to Political Parties and Candidates***

Contributions by persons who have government contracts

21G—(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 seven thousand dollars<sup>7</sup>.

(4) A person who, or a company or an entity that, contravenes this section commits an offence and is liable on summary conviction to a fine not exceeding fifteen thousand dollars.

Registered political party not to accept certain contributions.

21H.—(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;

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<sup>4</sup> **Note:** It may be useful to emphasis that the allocation need not be equated to the amount actually spent.

<sup>5</sup> **Note:** Very useful provision to keep within this law.

<sup>6</sup> **Note:** The Jamaican version of this refers to their Political Ombudsman. This was excluded because it may be a bit difficult to establish a separate office at this time. However, it is something that could be revisited.

<sup>7</sup> **Note:** In the Jamaica version, this section continued to read, “or such other amount as the Minister, on the recommendation of the Commission, may, by order subject to affirmative resolution, prescribe.” This was excluded here, because the concept of **Ministerial discretion** in these matters may prove problematic.

- (b) A public body,
- (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 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 to a fine not exceeding forty thousand dollars or to imprisonment for a term not exceeding twelve months.

Deemed acceptance of contribution

21I.—For the purposes of any proceedings under this Part—

- (a) Subject to paragraph (c) any contribution that is received and retained by a registered 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

21J.—(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

21K.—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 21J or 21I(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.

21L.—(1) A registered political party or a candidate shall obtain an invoice from each supplier of goods and 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 two hundred dollars, or such other sum as the Commission may, by order subject to affirmative resolution, prescribe.

Limits on contributions to candidates and political parties.

21M.—(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 21W;

(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 21V.

(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 21N.—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 21M, shall be regarded as a tax deductible expense for the purposes of section XX of the *Income and Business Tax Act*.

Declaration by contributor 21O.—(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 21X or 21AC, 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 four 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 the 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 to a fine not exceeding forty thousand dollars or to imprisonment for a term not exceeding twelve months.

Use of contribution candidate 21P.—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. 21Q—(1) Where, during a reporting period, a contribution of or exceeding the prescribed amount established in section 21O(3) 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 the 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. 21R.—Where, during a report period, any property, services, facilities or equipment are provided to a registered political party or 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 21S.—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 21AC(1).

Declaration on contribution. 21T—Within six weeks after an election every candidate who contested the election shall submit to the Chief Election Officer 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. 21U—Upon a candidate complying with the requirements of sections 21T and 21AL, the Chief Election Officer 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. 21V—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 four million dollars, (or such other sums as the Commission may, by order subject to affirmative resolution, prescribe).

Campaign expenditure limit for candidates. 21W.—(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 two hundred and fifteen thousand dollars, (or such other sums 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 21X.—(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 four thousand dollars, (or such other sums 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**<sup>8</sup>.

Offence of failing to submit Campaign Expenditure Report

21Y. Any person who, knowingly, makes false statement in any report, declaration or other document required to be filed with the Commission or the Chief Election Officer under this Part, commits an offence and shall be liable on summary conviction to a fine not exceeding fifteen thousand dollars.

Offence of making false declaration.

21Z. Any person who, knowingly, makes a false statement in any report, declaration or other document required to be filed with the Commission or the Chief Elections Officer under this Part, commits an offence and shall be liable on summary conviction to a fine not exceeding forty-thousand dollars or, in default of payment thereof, to a term of imprisonment not exceeding twelve months.

Power of Commission to require disclosure

21AA.—(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<sup>9</sup> (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<sup>10</sup>

Duty to keep proper financial records.

21AB. 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;

<sup>8</sup> **Note:** As far as I am aware, there is not any law that current mandates financial reporting by political parties. Consequently, this may have to be incorporated into the present legislation.

<sup>9</sup> **Note:** should this be made to include “and”?

<sup>10</sup> **Note:** In the Jamaican version, this section called on the Government to allocate public funds towards candidates and registered parties, including independent candidates (who gain a minimum of 5%). This was excluded, because it is considered impractical to have this expense placed on the public purse, especially considering the current fiscal realities.

- (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 21L(2); and
- (d) Such other documentation the Commission may, by order subject to affirmative resolution, prescribe.

Final Disclosure Report.

21AC.—(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.

21AD. 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

21AE. 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 fifteen thousand 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 fifteen thousand dollars (or such other sum as the Commission may, by order subjective to affirmative resolution, prescribe) received by candidates during the reporting period.

Decisions of the Commission under this Part.

21AF. 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<sup>11</sup>.

Access to media.<sup>12</sup>

Commission may make regulations under Part IV-B

21AG.—(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 fifteen thousand 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.
- (e) Prescribing procedure for political party registration.

Offences by registered

21AH.—(1) Where an offence under this Act or any regulations made under this Act is committed by

<sup>11</sup> **Note:** Again, the structure of the Commission would require some attention, because if it controlled by the Executive, there would still be some issues here. Therefore, there should be welcomed debate as to how best to alter this section.

<sup>12</sup> **Note:** This section was omitted as well, as it would require broad stakeholder consultations with the media on this matter.

political parties and bodies corporate

a registered political party or a body corporate and is proved—

- (a) To have been committed with the consent or connivance of any officer of 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 of 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<sup>13</sup>.

(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 named 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.”

Who may incur expenditure<sup>14</sup>

21AI.—(1) No expenditure shall be incurred in respect of the candidature of any person during a campaign period except by the candidate, or his agent, or some person authorized **in writing** by the agent.

(2) Every person who contravenes subsection (1) shall be guilty of an offence and, upon summary conviction thereof shall be liable to a fine not exceeding one thousand dollars or to be imprisoned for any term not exceeding six months.

Expenditure that may be incurred by candidate<sup>15</sup> (see J section 57)

21AJ. No payments shall be made by any candidate to any person **other than his agent** in connection with his candidature during a campaign period except—

- (a) Expenditure for his personal living expenses during the period of the election to an amount not exceeding ten thousand dollars; and
- (b) Petty expenditure to an amount not exceeding two thousand dollars:

Provided that this section shall not apply to any candidate who is his own official agent.

Who may incur expenditure (see J sect. 58)

21AK.—(1) No expenditure shall be incurred in respect of the candidature of any candidate at any election, by any person authorized in writing by the agent of such candidate, in excess of the amount specified in the authorization.

(2) Every person who contravenes subsection (1) shall be guilty of an offence and, upon summary conviction thereof shall be liable to a fine not exceeding one thousand dollars or to be imprisoned for any term not exceeding six months.

Election agent to make a return

21AL.—(1) Within six weeks after election day every election agent shall make an election return to the returning officer for the constituency in which he acted as an election agent.

(2) Every return made under this section shall contain a full statement under the appropriate head specified in the return of all expenditure incurred in connection with the election by or on behalf of the candidate by whose election agent the return is made and shall be supported by vouchers for all payments in excess of four dollars.

<sup>13</sup> **Note:** this language is in need of revision.

<sup>14</sup> Corresponds with **section 56** of the Jamaican’s principal Act.

<sup>15</sup> **Note:** This section is a bit curious and is worthy of further debate.

(3) Every return made under this section shall contain a full statement of all moneys, securities, or the equivalent of money received by the election agent from the candidate or from any other source in connection with the campaign period.

(4) Every return under subsection (1) shall be in the prescribed form and shall be sworn to before a Justice by the agent by whom it is made.

(5) Every return under this section shall be supported by a declaration sworn to before a Justice by the candidate stating

- (a) that the return fully and accurately sets out all payments made by the candidate himself; and
- (b) that to the best of his knowledge, information and belief the return is a full and accurate return of all expenditure incurred by any person and of all moneys, securities or the equivalent of money received by the election agent from any source in connection with the election:

Provided that where a candidate acts as his own agent this subsection shall not apply

(7) The returning officer, within ten days after he receives any return under this section, shall publish a summary thereof in a newspaper accompanied by a notice of the time and place at which the return and the documents in support thereof can be inspected<sup>16</sup>.

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<sup>16</sup> **Note:** This could be updated to allow for publication on a public website such as the Elections and Boundaries website IN ADDITION to the newspaper.