



Republic of Liberia
NATIONAL ELECTIONS COMMISSION
TUBMAN BOULEVARD, 9th & 10th STREETS, SINKOR – P.O. BOX 2044
MONROVIA, LIBERIA
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Campaign Finance Regulations

MAY 6, 2016
Monrovia, Liberia

Preamble

Whereas, Article 89 of the January 6, 1986 Constitution of the Republic of Liberia established the Elections Commission as autonomous public Commission;

Whereas, Section 9(g), Chapter 2 of the New Elections Law of 1986 further empowers the National Elections Commission to conduct all elections and referendums and declare the results thereof;

Whereas, Section 9(h), Chapter 2 of the 1986 Elections Law empowers the National Elections Commission to formulate and enforce electoral guidelines;

Whereas, Article 83 (d) of the January 6, 1986 Constitution of the Republic of Liberia mandates every political party and candidate to submit their financial reports to the National Elections Commission;

Whereas, Section 9(p), Chapter 2 of the 1986 Elections Law empowers the National Elections Commission to examine and audit the financial transactions of political parties and candidates;

Whereas, Section 9(x) Chapter 2 of the 1986 Elections Law empowers the National Elections Commission to revoke the Certificate of Accreditation of any political party, alliance or coalition, or to impose a fine for violation of Elections law and Regulations of the National Elections Commission;

Whereas, Chapter 7 of the 1986 Elections Law establishes rules and certain restrictions to contributions made to political parties, and limitations to election campaign expenses made by political parties and candidates;

Whereas, the requirements of all of the above referenced legal provisions and instruments have been respected and there has been full compliance with the same;

NOW THEREFORE, it is hereby promulgated as follows:

General Provisions

Article 1. Purpose and Citation

1.1. These Regulations establish rules and limitations to the financial activities of political parties and candidates.

1.2. These Regulations shall be cited as "Campaign Finance Regulations" and shall come into force on the date of publication.

Article 2. Definitions

2.1. In these Campaign Finance Regulations, unless context otherwise requires:

"Candidate" means any individual who has been endorsed by a political party or who runs as an independent candidate for an elective public office and has been duly registered by NEC.

"Contribution" means a gift, subscription, loan, advance or deposit of money, or anything having pecuniary value, which is donated to a candidate, campaign treasurer or a political party for use during an election campaign. It includes:

- (a) Donations by a political party to the campaign of one or more candidates supported by the party,
- (b) Donations by any candidate to his own campaign, and
- (c) Donations in-kind (gifts, goods or services); except:
 - (i) The value of services of individuals who volunteer without compensation, and
 - (ii) The value of loans made in the ordinary course of business where repayment is required and interest is charged.

"Expense" means any purchase, payment, distribution, loan, advance, deposit or gift of money or anything of value that is either made by a candidate or political party for an election campaign, or which is made with the knowledge and consent of a candidate or an authorized agent of a candidate or political party for an election campaign. An expense shall also include disbursements for any news story, commentary, or editorial distributed through the facilities of any broadcasting station, newspaper, magazine, or other periodical publication or such facilities that are owned or controlled by a candidate or a political party;

"Elections Law" means New Elections Law of 1986 with subsequent Amendments of 2003, 2004 and 2015.

"NEC" means the National Elections Commission;

"Personal Expenses" means all expenses that a candidate would have incurred irrespective of his or her candidacy, such as payments for personal clothing, rent, mortgage, utilities, vacations, personal expenses of family members, and other expenses that are not related to campaigning for office.

"Political Party" means an association registered as a political party, which supports a candidate or candidates in an election.

Article 3. Personal Expenses

3.1. A candidate may not utilize funds contributed to her or his campaign for personal expenses.

Article 4. Designation of Treasurer and Bank Account

4.1. Every political party and every presidential candidate shall designate a campaign treasurer.

4.2. A candidate for an elective public office except the President and Vice President may act as his or her own campaign treasurer.

4.3. Each political party and presidential candidate shall:

a) Open an account at a depository bank to receive, hold and disburse only the party's or Presidential candidate's campaign funds;

b) Report to the NEC the name and address of the campaign treasurer, the name and address of the depository bank and the number of the account as specified in Form 1.

4.4. The information referred to in Article 4.1 and 4.3(b) shall be submitted by candidates together with their candidate nomination documents, and by political parties no later than the second Tuesday of July of the election year.

4.5. No political party or presidential candidate shall receive any contribution or make any expense when there is a vacancy in the position of treasurer. In the event a treasurer is terminated, dies or retires, the party or candidate shall notify the Commission within 72 hours of the event and the name of the replacement.

4.6. Candidates for an elective public office are jointly responsible with their campaign treasurer (if they have one) for recording and reporting on their campaign finances as required by this Regulation.

Accounting for Contributions and Expenses

Article 5. Accounting for Contributions

5.1. Every contribution received by or on behalf of a political party or a candidate for a campaign shall be recorded and reported to the NEC by the campaign treasurer.

5.2. Candidates may receive contributions for their campaign. All contributions received by a candidate shall be reported to the campaign treasurer.

Article 6. Citizenship of Contributor

6.1. No contribution shall be made to a political party or candidate from a person who is not a citizen of the Republic of Liberia.

6.2. If the person making a contribution is a citizen of the Republic of Liberia but is not resident within the territory of the Republic at the time the contribution is made, the candidate or political party shall on the request of the NEC attest that the funds representing the contribution are the personal funds of the contributor and not comprised of funds owned or controlled by a non-citizen of Liberia.

6.3. Any funds or other assets received directly or indirectly in contravention of the Restriction as mentioned supra shall be turned over or transferred to the NEC, within seven (7) days of receipt to be kept in an escrow account in a designated bank, and after thorough investigation has been made, such funds shall be returned to the political party or candidate to whom the money was sent if not, in contravention of this Restriction. If the funds were received in contravention of this Restriction, the funds will be returned to the contributor or otherwise as ordered by a court.

Article 7. In-Kind Gifts

7.1. Contributions of goods or services given to political parties or candidates shall constitute contributions, calculated at the reasonable market value on the date received.

Article 8. Prohibited Contributions

8.1. No contribution shall be made or knowingly received from anonymous sources, funds belonging to a corporation, a labor organization, a bank, etc.

8.2. No legal person shall contribute more than US\$100,000.00 or its equivalent in Liberian dollars in total to a party and its candidates or to independent candidates for use in an election campaign.

8.3. Political parties and candidates shall not utilize public resources for campaign activities and shall not receive any contribution resulting from an abuse of state resources, except state resources that:

- a) Are made available to all candidates and political parties for the election;
- b) Are generally available to the public and are provided on the same terms as to the public;
- c) Are related to providing security staff or security services.

8.4. Article 8.3 does not apply to the use of a state resource that is unavoidable because of the fulfillment of a duty of public office, if the user reimburses the Government for the use of the resource for the campaign.

8.5. The treasurer or candidate shall be responsible for making a good faith effort to determine whether funds received represent prohibited contributions. In the event the treasurer or candidate determines that a prohibited contribution has been received, the contribution shall be refunded and the Commission advised thereof.

Article 9. Limitations to Electoral Expenses

9.1. As specified in Section 20 of the Elections Law, election campaign expenses shall not be incurred or authorized by a candidate or party beyond the Liberian dollar equivalent of the following amounts:

- (a) For President, in excess of Two Million United States Dollars (US \$2,000,000.00).
- (b) For Vice President, in excess of One Million United States Dollars (US \$1,000,000.00).
- (c) For a Senator, in excess of Six Hundred Thousand United States Dollars (US \$600,000.00).
- (d) For a Representative, in excess of Four Hundred Thousand United States Dollars (US \$400,000.00).

9.2. This Article shall not be construed to mean that political parties and/or candidates shall be required to have a defined amount deposited in support of a given candidate for each position in this section.

9.3. Expenses incurred in-kind shall be tallied against these expense limitations.

Article 10. Recording Expenses

10.1. All expenses made on behalf of a political party or candidate shall be recorded by the treasurer or candidate. No expense shall be made for any purpose that is prohibited by Law, including but not limited to, paying voters for voting.

10.2. All expenses made by or on behalf of a political party or presidential candidate shall be made by check or wire transfer from the account identified in the Registration Statement.

Article 11. Expenses from Personal Funds

11.1. Candidates may make expenses on behalf of their campaigns from their personal funds. Expenses made by candidates from personal funds for Election campaign shall be included within the applicable expense limits for that candidate as provided for by Law and reported as contributions and expenses to the NEC under this Regulation.

Article 12. Generic Expenses by Political Parties

12.1. In the case of an expense made by a political party that simultaneously benefits more than one candidate, the expense shall be allocated among the candidates by dividing the amount of the expense by the number of candidates benefited, and that allocation shall be reported to the NEC by each treasurer and candidate concerned.

Article 13. Bookkeeping Requirements

13.1. The treasurer or a candidate acting as his/her own treasurer shall maintain a book of accounts for all contributions received and all expenses made by and for the campaign.

13.2. The treasurer or a candidate acting as his/her own treasurer shall maintain a record of each contribution received including the name, address, occupation and employer (if any) of the contributor, the date of the contribution, and the amount of the contribution as specified in Form 4. In the case of a contribution that is equivalent to \$20 US Dollars or less, (a "small contribution"), the treasurer or candidate needs only to record the date, the amount and the name of the contributor.

13.3. The treasurer or a candidate acting as his/her own treasurer shall maintain a record of each expense made, including the date, recipient, purpose and amount of the expense as specified in Form 5, as well as documentary records.

13.4. The book of accounts, the contributor records and the documentary records shall be made available during normal working hours to the NEC on demand.

Article 14. Reporting Requirements

14.1. All candidates shall submit to the NEC an Assets and Liabilities Form (Form 2) with their nomination papers, and political parties shall submit Form 2.

14.2. Fifteen (15) days after the announcement of final results of each election, including by-elections, the political party or candidate shall furnish to the NEC a report of assets, liabilities, a financial summary, contributions and expenses by completing Forms 2, 3, 4 and 5.

14.3. In case a candidate or political party participates in a run-off election, forms shall be submitted fifteen (15) days after the announcement of final results of the run-off election.

14.4. Small contributions shall be reported on Form 4 only as a "total of small contributions".

14.5. Political parties and candidates shall submit detailed statements from their designated bank accounts.

Article 15. Standard Forms

15.1. All financial reports required to be filed by these regulations shall be made on standard forms promulgated by the NEC (Forms 1,2,3,4 and 5). The NEC shall make such forms available to all registered political parties and candidates upon request and without charge.

Article 16. Publication of Financial Reports by NEC

16.1. The NEC shall make the Assets and Liabilities Form (Form 2) of each candidate available for viewing by the public at the NEC Headquarters in Monrovia during normal working hours. The Form shall be edited to remove the details of the location of the assets from publication.

16.2. The NEC shall make public the itemization of contributions and expenses furnished by each candidate and political party, pursuant to the preceding paragraphs, thirty (30) days after the announcement of results for each election.

16.3. The NEC shall publish on its web-page a financial summary of each Campaign Finance Report.

Post-Election Audit

Article 17. Establishing Audit Committee

17.1. The NEC may establish an Audit Committee which within sixty (60) days of an election may complete a certified audit of the book of accounts of any political party or candidate.

17.2. The NEC shall have the power to retain an independent auditing agency to conduct certified audits of the financial transactions of a candidate or political party. A person or organization appointed by the NEC to the Audit Committee or commissioned by the NEC to conduct certified audits shall not be a member of any political party, an appointed accountant or employee of any party, or had been or served in such a capacity during the three years prior to appointment.

17.3. Upon recommendation from the Audit Committee that no Liberian auditors meet the criteria of Article 17.2, the NEC may retain auditors from outside the Republic of Liberia.

17.4. A campaign treasurer and candidate shall cooperate fully with representatives of the Audit Committee and shall provide auditors commissioned or appointed by the NEC with full and unrestricted access to records.

17.5. A refusal to cooperate with the Audit Committee shall be subject to penalties imposed pursuant to Chapter IV on Penalties of these regulations.

Article 18. Findings of the Audit Committee

18.1. Upon the completion of the audit period as specified in Article 17 of these Regulations, the Audit Committee shall present to the NEC the results of all audits, including a list of any apparent errors or omissions.

18.2. The NEC must accept or reject, in whole or in part, the findings of the Audit Committee for any candidate or political party within ten (10) days of the presentation of those findings.

18.3. In the event that findings of irregularities are upheld by the NEC, administrative sanctions for "election infractions" or "election offenses," as the case may be, may be levied by the Commission pursuant to Chapter IV on Penalties of these Regulations.

Penalties

Article 19. Campaign Finance Infractions

19.1. Any violation of the provisions of these Regulations, and any violation of the expense limitations provided for by Law, shall be considered a "Campaign Finance Infraction."

19.2. The NEC shall investigate all Campaign Finance Infractions that come to its attention via complaint, audit or otherwise.

19.3. After a public hearing where the alleged offender has been given an opportunity to be heard, the NEC may impose administrative sanctions for such infractions as specified in section 7.1.1 of the Elections Law and NEC Regulations.

19.4. The NEC may enforce the non-payment of fines imposed under this subsection of these Regulations through legal actions brought in the courts in its own name.

Article 20. Campaign Finance Offences

20.1. Any violation of the provisions of these Regulations, and any violation of the expense limitations provided for by Law, that involves the making, receiving or reporting of contributions or expenses totaling US\$5,000.00 (or its equivalent in Liberian Dollars) or more, and which the NEC finds was committed knowingly and willfully, shall be considered an "Election Offense," shall be subject to the penalties specified in sections 2.9(x) and 10.7 of the Elections Law, or the criminal penalties provided for by Law for "Election Offenses."

20.2. Failure to submit all forms and accounts as specified in these Regulations shall constitute an election offense. Violation shall be subject to a fine and/or the withholding of certificate to take seat until the requirement is fulfilled, or banning a candidate from participating in subsequent general elections.

20.3. The NEC may report violations it determines to constitute "Election Offenses" to the Ministry of Justice for enforcement or prosecution as the case may be.

Article 21. Publicity

21.1. The NEC shall immediately make public all findings that administrative infractions have occurred, including the identity of the offender and the amount of the penalty imposed.

21.2. In the event NEC refers an Election Offence to the Ministry of Justice or a court of competent jurisdiction, it shall make the referral public.

Amendments and Entry into Force

Article 22. Amendments

22.1. These Regulations may be amended or revised at any time and published by the NEC. All amendments and revisions shall become effective upon publication.

Article 23. Entry into Force

23.1. These Regulations shall come into force upon publication by the NEC on its web-site and shall be binding on all citizens, political parties, alliances and coalitions of Liberia.

Form 1, Designation of treasurer and campaign bank account

A. Political Party or Presidential Candidate

1	Name of Political Party/Candidate	
2	Address	
3	Telephone	
4	Email	

B. Treasurer

5	Name of Treasurer	
6	Address	
7	Telephone	
8	Email	

C. Details of bank account

9	Name of bank	
10	Address	
11	Telephone	
12	Email	
13	Account number	
14	Signatories	

Signature of Political Party Chair/Candidate

Signature of Treasurer

Print Name

Print Name

Signature & Date

Signature & Date

Form 2, Assets and Liabilities

1	Name of Candidate/Political Party	
2	Candidate for	
3	Date of assessment	

If any section does not provide enough space, attach a separate sheet to continue.

Assets

List all monies, balance of bank accounts, business documentation, stocks, securities, bonds, real estates, vehicles and any fixed assets of the market value that exceeds the equivalent of USD \$ 5,000.00. Include assets held both within and outside Liberia.

[illegible]

Liabilities

State all debts, obligations, promissory notes, credits and guarantees for such liabilities.

Type of liability	Creditor	Terms of repayment	Value

Income

State all incomes realized in Liberia and abroad during the last twelve (12) months

ONLY FOR SUBMISSION DURING CANDIDATE NOMINATION

Income (in US\$)	For period	Source of income

I certify that I have read the information on this form and its supporting Regulations and that the information contained herewith is true and accurate to the best of my knowledge.

Candidate or Political Party Chair (print name)

Campaign Treasurer (only for Political Parties & Presidential Candidates) (print name)

Signature & Date

Signature & Date

Form 3, Financial Summary

A. Political Party or Candidate

1	Name of Political Party/Candidate	
2	Candidate for	
3	Address	
4	Telephone	
5	Email	

B. Financial Summary

6	Reporting period	
7	Amount on hand at start of reporting period	
9	Contributions received (from form 4)	
10	Expenditures made (from Form 5)	
11	Balance at the end of reporting period	
12	Assets at the end of reporting period (from Form 2)	
13	Liabilities at the end of reporting period (from Form 2)	

I certify that I have read the information on this form and its supporting forms and that the information contained herewith is true and accurate to the best of my knowledge.

Candidate/Political Party Chair (print name)

Campaign Treasurer (only for political parties and Presidential candidates) (print name)

Signature & Date

Signature & Date

Page ____ of ____

Note all monetary and non-monetary contributions and donations

I certify that I have read the information on this form and its supporting regulations and that the information contained herewith is true and accurate to the best of my knowledge.

Campaign Treasurer (only for political parties & Presidential Candidates) (print name)

Signature & Date

Page ____ of ____

1	Name of Political Party/Candidate		
2	Candidate for		
3	Report period	From:	To:

[illegible]

Campaign Treasurer (only for political parties & Presidential Candidates) (print name)

Signature & Date

Approval of Campaign Finance Regulations:

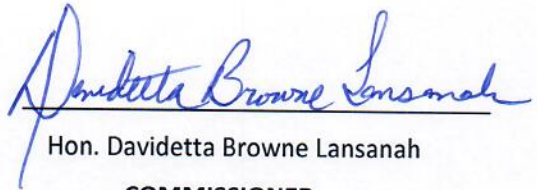
DONE UNDER OUR HANDS AND SEAL OF THE NATIONAL ELECTIONS COMMISSION (NEC) ON
THIS 6 DAY OF MAY, A.D. 2016.

Signed:



Hon. Boakai Amadu Dukuly

COMMISSIONER

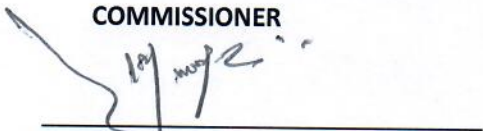


Hon. Davidetta Browne Lansanah

COMMISSIONER

Cllr. Jeanette A. Ebba-Davidson

COMMISSIONER



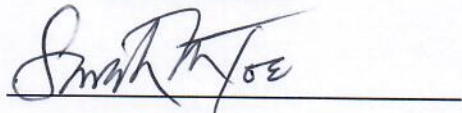
Hon. Jonathan K. Weedor

COMMISSIONER



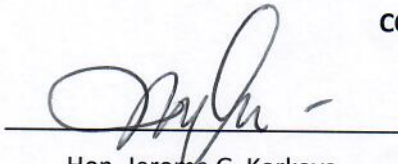
Hon. Samuel Z. Joe

COMMISSIONER



Cllr. Sarah M. Jegede-Toe

CO-CHAIRMAN



Hon. Jerome G. Korkoya

CHAIRMAN