



Republic of Liberia



National Elections Commission

Campaign Finance Regulations for Political Parties and Candidates (2011)

June 16, 2011

MONROVIA, LIBERIA

PREAMBLE

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

WHEREAS, Section 2.9(h) of the 1986 Elections Law empowers the Elections Commission to formulate and enforce electoral regulations;

WHEREAS, the Elections Commission, predecessor to the National Elections Commission, was reconstituted by the Comprehensive Peace Agreement signed in Accra, Ghana, on 18 August 2003;

WHEREAS, the Comprehensive Peace Agreement mandates that the present electoral system be reformed in Liberia in order to ensure that the rights and interests of all Liberians are guaranteed, and that the elections are organized in accordance with International Standards, and in a manner that is acceptable to all Liberians;

WHEREAS, the National Elections Commission welcomes the regulation of campaign expenses, mandated by Article 83(d) of the 1986 Constitution of the Republic of Liberia, in order to ensure transparency and accountability in the electoral process;

NOW THEREFORE:

The National Elections Commission hereby promulgates the following Campaign Finance Regulations for Political Parties and Candidates:

PART I, GENERAL PROVISIONS

SECTION 1. CITATION AND APPLICATION

(1) These regulations may be cited as the Campaign Finance Regulations 2011.

(2) These regulations apply to 2011 elections for President, the Senate and the House of Representatives

SECTION 2. DEFINITIONS

In these regulations, unless the context otherwise requires -

(1) "The Commission" means the National Elections Commission of the Republic of Liberia.

(2) "Contribution" means a gift, subscription, loan, advance or deposit of money, or anything having pecuniary value, that is donated to a candidate, campaign treasurer or a political party for use in 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) donation of in-kind gifts of 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.

(3) "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;

(4) "Candidate" means any individual who has been endorsed by a political party or who runs as an independent candidate.

(5) "Political party" means an organization registered as a political party, that supports a candidate or candidates in an election.

SECTION 3. DESIGNATION OF TREASURER AND CAMPAIGN BANK ACCOUNT FOR POLITICAL PARTIES AND PRESIDENTIAL CANDIDATES

(1) Every political party and every presidential candidate shall designate a campaign treasurer.

(2) A candidate may act as his or her own campaign treasurer.

(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 candidate's campaign funds; and

(b) report to the Commission 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) The information referred to in paragraphs (1) and (3)(b) shall be submitted by candidates together with their nomination documents for an election and by parties no later than August 1, 2011.

(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 name the replacement.

(6) Candidates for Senate and the House of Representatives are jointly responsible with their campaign treasurer(if they have one) for recording and reporting on their campaign finances as required by this Regulation.

SECTION 4. PROHIBITION AGAINST CANDIDATES USE OF CAMPAIGN FUNDS FOR PERSONAL EXPENSES

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

(2) For the purpose of this section, "personal expenses" means any expense that the 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.

PART II, ACCOUNTING FOR CONTRIBUTIONS AND EXPENSES

SECTION 5. ACCOUNTING OF CONTRIBUTIONS

(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 Commission by the campaign treasurer.

(2) Every contribution over US\$500.00 or its equivalent in Liberian Dollars received by a political party or Presidential candidate shall be deposited into the account identified in the registration statement.

(3) Candidates may receive contributions on behalf of their campaign. All contributions received by a candidate shall be reported to the campaign treasurer.

SECTION 6. CITIZENSHIP OF CONTRIBUTOR

(1) No contribution shall be made to, or knowingly accepted by, a political party or candidate from a person who is not a citizen of the Republic of Liberia.

(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 Commission 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.

3) Any funds or other assets received directly or indirectly in contravention of the restriction in 6(1) shall be turned over or transferred to the Commission within twenty-one (21) days of receipt to be kept in escrow 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 transferred to the Commission.

SECTION 7. IN-KIND GIFTS

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

SECTION 8. PROHIBITION OF CONTRIBUTIONS FROM ANONYMOUS SOURCES, CORPORATIONS, UNIONS, BANKS AND ABUSE OF STATE RESOURCES

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

(2) 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.

(3) 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.

SECTION 9. LIMITATION OF ELECTION EXPENSES

(1) As specified in Section 20 of the Electoral Reform Law, 2004, elections 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).

This section 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 the positions in this section.

(2) Expenses incurred in-kind shall be tallied against these expense limitations.

SECTION 10. RECORDING OF EXPENSES

(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.

(2) All expenses over US\$500.00 or its equivalent in Liberian Dollars made by or on behalf of a political party or Presidential candidate shall be made by check from the account identified in the registration statement.

SECTION 11. EXPENSES FROM PERSONAL FUNDS OF CANDIDATES

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

SECTION 12. GENERIC EXPENSES BY A POLITICAL PARTY

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 Commission by each treasurer and candidate concerned.

SECTION 13. BOOKKEEPING REQUIREMENTS

(1) The treasurer or candidate shall maintain a book of accounts for all contributions received and all expenses made by and on behalf of the campaign.

(2) The treasurer or candidate 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 \$10 or less, (a "small contribution"), the treasurer or candidate need only record the date, the amount and the name of the contributor.

(3) The treasurer or candidate 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.

(4) The book of accounts, the contributor records and the documentary records shall be made available during normal working hours to the Commission on demand.

SECTION 14. REPORTING REQUIREMENTS

(1) All candidates shall submit to the Commission an Assets and Liabilities form (Form 2) with their nomination papers, and political parties shall submit Form 2 no later than the date noted in Section 3(4). The statement shall reflect the assets and liabilities of the candidate or political party as of 10 July 2010.

(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 Commission a report of assets, liabilities, a financial summary, contributions and expenses by completing Forms 2 to 5, inclusive. Small contributions shall be reported on Form 4 only as a "total of small contributions".

The submitted records shall be complete from a date determined by the Commission until the close of books ten (10) days after election day. However, in case a candidate or political party participates in a run-off election, completed Forms 2 to 5, inclusive, with complete records from a date determined by the Commission until the close of books ten (10) days after the run-off election day shall be submitted fifteen (15) days after the announcement of final results of the run-off election.

(3) Political parties and candidates with a bank account shall submit detailed statements from their designated bank account as described in Section 3 (1) together with the submission described in Section 14 (2).

SECTION 15. STANDARD FORMS

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

SECTION 16. PUBLICATION OF FINANCIAL REPORTS BY THE COMMISSION

(1) The Commission shall make the Asset and Liabilities form (Form 2) of every candidate available for viewing by members of the public at the Commission Headquarters in Monrovia during normal working hours. The form shall be edited to remove the details of the location of the assets from publication.

(2) The Commission 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.

(3) For the purposes of this section, the Commission shall publish in at least one (1) newspapers with greatest circulation and shall make electronically available, a financial summary of each campaign finance report. The Commission shall make each campaign finance report available to the public, and shall take appropriate actions to ensure that all citizens have easy access, at the office of the Commission during working hours, to all information contained within the reports.

PART III, POST ELECTION AUDIT

SECTION 17. ESTABLISHMENT OF THE AUDIT COMMITTEE

(1) The Commission shall 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.

(2) The Commission 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 Commission to the Audit Committee or commissioned by the Commission to conduct certified audits shall not be a member of any political party, an appointed accountant or employee of any party, or have been or served in such a capacity during the three years prior to appointment.

(3) Upon recommendation from the Audit Committee that no Liberian auditors that meet the criteria of Section 17 (2) can be located, the Commission may appoint auditors from outside the Republic of Liberia.

(4) A campaign treasurer and candidate shall cooperate fully with representatives of the Audit Committee and shall provide auditors commissioned or appointed by the Commission with full and undisturbed access to records.

(5) A refusal to cooperate with the Audit Committee shall be subject to penalties imposed pursuant to Part IV of these regulations.

SECTION 18. FINDINGS OF THE AUDIT COMMITTEE

(1) Upon the completion of the audit period as specified in Section 17 of these regulations, the Audit Committee shall present to the Commission the results of all audits, including a list of any apparent errors or omissions.

(2) The Commission 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.

(3) In the event that findings of irregularities are upheld by the Commission, administrative sanctions for “election infractions” or “election offenses,” as the case may be, may be levied by the Commission pursuant to Part IV of these regulations.

PART IV, PENALTIES

SECTION 19. CAMPAIGN FINANCE INFRACTIONS

(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.”

(2) The Commission shall investigate all campaign finance infractions that come to its attention via complaint, audit or otherwise.

(3) After a public hearing where the alleged offender has been given an opportunity to be heard, the Commission may impose administrative sanctions for such infractions as specified in section 2.9 (w) of the New Elections Law 1986, as amended by the Electoral Reform Law, 2004.

(4) The Commission 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.

SECTION 20. CAMPAIGN FINANCE OFFENSES

(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 totalling US\$5,000.00 (or its equivalent in Liberian Dollars) or more, and which the Commission 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 New Elections Law 1986, as amended by the 2004 Electoral Reform Law, or the criminal penalties provided for by law for “election offenses.”

(2) Failure to submit all forms and accounts as specified in Section 14 shall constitute an election offense. Violations shall be subject to a fine and/or the withholding of certificate to take seat until the requirement is fulfilled.

(3) The Commission may report violations it determines to constitute “election offenses” to the Ministry of Justice for enforcement or prosecution as the case may be.

SECTION 21. PUBLICITY

(1) The Commission shall immediately make public all findings that administrative infractions have occurred, including the identity of the offender and the amount of the penalty imposed.

(2) Whenever the Commission refers an election offence to the Ministry of Justice, it shall make the referral public.

SUGGESTED FORMS FOR THE 2011 REGULATION

The below forms have been adjusted to the suggested 2011 Regulation.

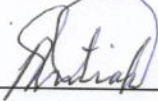
**DONE UNDER OUR HANDS AND SEAL OF THE NATIONAL ELECTIONS COMMISSION
(NEC) THIS 16TH DAY OF JUNE, A.D. 2011.**

Signed:



Cllr. Sarah Jegede-Toe

COMMISSIONER

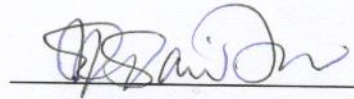


Hon. Ansumana F. Kromah

COMMISSIONER

Hon. Jonathan K. Weedor

COMMISSIONER



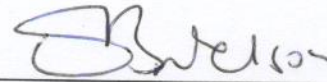
Cllr. Jeanette A. Ebba-Davidson

COMMISSIONER



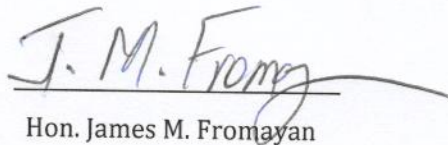
Hon. David S. Menyongai

COMMISSIONER



Cllr. Elizabeth J. Nelson

CO-CHAIRMAN



Hon. James M. Fromayan

CHAIRMAN



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.*

Description of asset	Location of asset	Current market value



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



Form 4, Itemized contributions

Page __ of __

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

Note all monetary and non-monetary contributions and donations

Name	Address	Occupation	Description of contribution	Value	Date received

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 (print name)

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

Signature & Date

Signature & Date



Form 5, Itemized expenditure

Page __ of __

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

Note all expenditure made during the reporting period

Name of recipient	Address	Purpose	Value	Date

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