

# POLITICAL PARTY FUNDING ACT, 2024

No. 13



of 2024

## ARRANGEMENT OF SECTIONS

### SECTION

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**An Act to provide for the regulation and funding of political parties and for matters connected therewith and incidental thereto.**

*Date of Assent:* 08.10.24

*Date of Commencement:* ON NOTICE

ENACTED by the Parliament of Botswana.

1. This Act may be cited as the Political Party Funding Act, 2024, and shall come into operation on such date as the Minister may, by Order published in the *Gazette*, appoint. Short title and commencement
2. In this Act, unless the context otherwise requires — Interpretation
  - “Commission” means the Independent Electoral Commission appointed under section 65A of the Constitution;
  - “qualifying political party” means a political party registered in terms of the Societies Act and that has participated in the immediate preceding general election; and Cap. 18:01
  - “Secretary” means the Secretary to the Commission appointed under section 66 of the Constitution.

- (a) for paying directly or indirectly remuneration, fees, rewards, allowances or any other benefit to a member or supporter of the political party;
- (b) to finance or as a contribution to any matter, cause, event or occasion directly or indirectly in contravention of any code of ethics binding on public officers;
- (c) directly or indirectly for the purposes of establishing any business or acquiring or maintaining any right or financial interest whatsoever in any business or in any movable or immovable property; or
- (d) for any other purpose incompatible with the promotion of a multiparty democracy and the electoral processes, or with the laws of Botswana.

(5) A qualifying political party shall ensure accountability and transparency in its procurement processes, in accordance with the laws of Botswana.

(6) A person who contravenes the provisions of this section commits an offence.

7. The funds payable in terms of this Act shall be exempt from income tax.

Moneys exempt from income tax

8. (1) A qualifying political party shall, within three months of the end of its financial year, submit to the Secretary a statement on the income and expenditure of the moneys disbursed to the party in terms of this Act and that the moneys were utilised, in compliance with the provisions of section 6.

Utilisation of moneys

(2) A qualifying political party that contravenes the provisions of this section, commits an offence.

(3) A qualifying political party that fails to comply with this section shall, during the period of non-compliance, be disqualified from receiving moneys appropriated under section 4 of this Act.

9. (1) A qualifying political party shall, in accordance with the laws of Botswana, keep proper books and records of account of the income, expenditure, assets and liabilities of the political party, in relation to the moneys disbursed to the qualifying political party in terms of this Act.

Accounts and audit

(2) A qualifying political party shall, within three months before the end of each financial year submit to the Auditor-General or an auditor appointed in terms of the Financial Reporting Act, the accounts of the qualifying political party in respect of that year.

Cap. 46:10

(3) The accounts of every qualifying political party shall be audited annually by the Auditor-General or an auditor and shall be submitted to the Secretary and tabled in the National Assembly.

(4) The Secretary may, at any time request the Auditor-General or an auditor appointed under subsection (2) to carry out an audit of the accounts of a qualifying political party.

10. (1) The Secretary may suspend the disbursement of moneys to a qualifying political party where the party in question fails to comply with section 9.

Suspension of disbursement of moneys

(2) The Secretary shall not suspend the disbursement of moneys to a qualifying political party unless the Secretary has —

- (a) given written notice, informing the qualifying political party of the intended suspension and the reasons for suspension; and
- (b) requested the party to give reasons, in writing, within a period specified in the notice, why the disbursement of moneys should not be suspended.

**Appeals**            **11.** (1) A person aggrieved by the decision of the Secretary may, within 30 days of receiving the decision, appeal to the Minister.

(2) A person who is aggrieved by the decision of the Minister may, within 30 days of the Minister's decision, appeal to the High Court.

**General penalty**    **12.** A person who commits an offence under this Act for which no penalty is provided shall be liable to a fine not exceeding P500 000 or to imprisonment for a term not exceeding five years, or to both.

**Regulations**        **13.** The Minister may make regulations prescribing anything under this Act which is to be prescribed or which is necessary or convenient to be prescribed for the better carrying out of the objects and purposes of this Act, or give force or effect to its provisions.

PASSED by the National Assembly this 19th day of August, 2024.

BARBARA N. DITHAPO,  
*Clerk of the National Assembly.*