

ACT 2005-06-17 no. 102: Act on certain aspects relating to the political parties (The Political Parties Act).

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Act on certain aspects relating to the political parties (The Political Parties Act).

The Act came into force on 1 January 2006, with the exception of Chapter 4, which came into force on 1 July 2005. The amended Act came into force on 1 March 2013 with the exception of the Sections 18a, 18b, 20a and 20b, which will enter into force on 1 January 2014.

Chapter 1. General provisions

§ 1. Purpose and scope of the Act

(1) The purpose of the Act is:

- to facilitate elections pursuant to Act no. 57 of 28 June 2002 on general, county council and municipal elections (The Election Act) through an arrangement for public registration of political parties,
- to establish a framework for the parties' financial structure that will help secure them a financial basis through public grants and otherwise to help increase the parties' independence and ability to finance themselves, and
- to ensure the authorities' right of inspection and to counteract corruption and undesired connections by ensuring transparency concerning the financing of political parties' activities.

(2) The King may issue regulations concerning the application of the Act on Svalbard (*Spitsbergen*) and may establish separate rules concerning conditions there.

(3) The Act applies to the head organisations of all political parties, their central youth organisation, county organisation, county youth organisation and municipal organisation. The groups in the Storting, county councils and municipal councils are not included in the Act. Chapters 3 and 4 apply to parties that are registered in accordance with Chapter 2.

Chapter 2. Registration of political parties

§ 2. *The registration authority. Effect of the registration*

(1) A political party that satisfies the conditions in Section 3 may apply to register the party's name in the Register of Political Parties at the Brønnøysund Register Centre.

(2) Before the party can be registered in the Register of Political Parties, it must be registered in the Central Coordinating Register for Legal Entities and be allocated its own organisation number, cf. Section 5 of Act on the Central Coordinating Register for Legal Entities. When the party has been registered in the Central Coordinating Register for Legal Entities, the entry in the Register of Political Parties will be based on the information registered there.

(3) Registration in the Register of Political Parties gives the party the exclusive right to field candidates for election under the registered name.

§ 3. *Conditions for registering a party name in the Register of Political Parties*

(1) In order for a party name to be registered in the Register of Political Parties, it must not be possible to confuse it with the name of

- a) another party registered in the Register of Political Parties or
- b) a Sami political entity registered with the Sami Parliament

When special grounds exist, the registration authority can refuse to register the name of a political party.

(2) The party shall present the following documentation along with the application:

- a) The party's formation document,
- b) information as to which persons have been elected members of the party's executive bodies, and which persons have been authorised to act as the official representatives of the party in cases pursuant to this Act,
- c) statutes determining which party body elects the party's executive bodies, and
- d) declarations from at least 5,000 persons who are eligible to vote in a general election, that they wish the party's name to be registered. The individuals making the declarations must

have reached voting age by the end of the calendar year in which the application is made. If the application is submitted less than one year before an election, it is sufficient to have reached voting age by the end of the election year. Each declaration shall include the name, date of birth and address of the person making the declaration. The declaration shall be signed in person and dated by the person who has made it. No declaration shall be more than one year older than the application.

(3) The application shall be registered with the registration authority by 2 January of the election year if the registration is to have any effect at the election.

§4. *Change of registered party name. Amalgamation of parties under a new name*

(1) A registered political party may apply to change its registered party name. The provisions in Section 3 apply correspondingly. Instead of the formation document, the minutes of the meeting at which it was decided to change the party name shall be attached. If the party received at least 500 votes in one county or at least 5,000 votes in the whole country at the last general election, the conditions in Section 3 (2) litra d) do not apply.

(2) If two or more registered parties amalgamate and apply for registration under a new name, this is considered to be an application to change the name. Instead of the formation document, the minutes of the meeting at which it was decided to amalgamate the parties and apply for registration under a new name shall be attached. If one of the parties received at least 500 votes in one county or at least 5,000 votes in the whole country at the last general election, the conditions in Section 3(2) litra d) do not apply.

§5. *Deregistration. When a party name becomes freely available*

(1) The effect of the registration shall cease and the party's name shall become freely available when the party has not issued a list of election candidates in any constituency at two consecutive general elections. The name of the party shall then be deleted from the Register of Political Parties.

(2) This also applies four years after the party was dissolved or changed its name.

§6. *Information concerning the members of the party's executive bodies*

(1) In the event that a registered party wishes to change previously registered information, the party shall submit notification to the Brønnøysund Register Centre and name the persons serving on the party's executive bodies.

(2) By 2 January in the election year, the party shall submit updated information or confirmation of the information registered in the Register of Political Parties giving the names of members of the party's executive bodies with effect for the election. The registration authority shall, well before the time limit, inform the parties of the information registered in the Register of Political Parties.

§7. *Announcement of decisions*

The registration authority shall announce decisions concerning registration of new names of political parties or deletion of names from the Register of Political Parties.

§8. *Appeals*

(1) The registration authority's decisions under this Chapter may be appealed to the Political Parties Act Committee, cf. Chapter 5. An appeal must be submitted within three weeks. Appeals shall be submitted to the registrar in writing stating the grounds for the appeal. The Committee notifies the registrar of decisions in appeal cases. The Committee's decisions in appeal cases shall be made public.

(2) The decisions of the Political Parties Act Committee may be brought before the courts of law. In that event, any action must be brought within two weeks after the party in question received notification of the Committee's decision, complete with information about the time limit for bringing an action. A court decision on the registration of a party is only effective for a pending election if it is finally and legally enforceable no later than 31 March in the election year. Until a final and legally enforceable decision is available, the Committee's decision forms the basis for the registration in the Register of Political Parties.

§9. Regulations

The Ministry may in regulations provide more detailed provisions for the registration scheme and the activities of the registration authorities.

Chapter 3. Financing of political parties' organisations and elected groups

§10. Overarching principles for grants from public funds

(1) Government grants to political parties' organisations at national, regional and municipal levels are paid in the amounts determined by the Storting.

(2) The Storting finances the elected groups in the Storting. The county administrations finance the elected groups in the county councils. The municipalities finance the elected groups in the municipal councils. The grant paid to the elected groups in the county councils and the municipal councils shall be paid proportionally according to the votes the party won at the election.

(3) No conditions shall be attached to the grants from the government, county administrations or municipalities that may be in conflict with the political parties' independence.

(4) The authorities shall not keep control of how the parties or groups dispose of their grants.

§11. Government grants to political parties' organisations and youth organisations at national level

(1) Political parties may apply to the Ministry for government grants to the party's organisation at national level. The grants are provided as vote support and basic support.

(2) The vote support is paid as an equal amount in kroner (NOK) to each vote received at the last general election. The basic support is paid as an equal amount in kroner to parties that at the last general election received at least 2.5% of the votes on a national basis or that had at least one representative elected to the Storting. Of the total support, 9/10 is distributed as vote support and 1/10 as basic support.

(3) A political party's central youth organisation which is entitled to vote support may apply to the Ministry for a grant. The grant is paid as an equal amount in kroner to each vote received by the party at the last general election.

(4) Applications for grants during the first year after an election are regarded as applicable to the entire election period as long as the applicant does not provide other information during the period.

(5) Before a public grant can be paid, the applicant must provide the Ministry with information about which bank account the payment is to be made to and who are authorised to access the account. A confirmation must be submitted at least once a year.

§12. *Government grants to political parties' organisations and youth organisations at county level*

(1) A party's county organisation may apply for a grant. The grants are provided as vote support and basic support. Party organisations in Oslo may apply for a grant both as a county organisation and as a municipal organisation, cf. Section 13.

(2) The vote support is paid as an equal amount in kroner to each vote received at the last county council election. The basic support is paid as an equal amount in kroner to parties that at the last county council election received at least 4% of the votes in the county or had at least one representative elected to the county council. Of the total support, 9/10 is distributed as vote support and 1/10 as basic support.

(3) A party's youth organisation that is entitled to vote support may apply for a government grant. The vote support is paid as an equal amount in kroner to each vote received by the party during the last county council election.

(4) The application shall be sent to the County Governor. Applications for grants during the first year after an election are considered to apply to the entire election period as long as the applicant does not provide other information during the period. The grant is disbursed by the County Governor to the parties' county organisations and youth organisations.

(5) Joint lists of election candidates, consisting of parties that meet the conditions in Chapter 2, may apply for vote support and basic support. The grant is calculated pursuant to subsection 2. The disbursements will be based on the parties' agreed proposal for distribution. Should the parties on the joint list fail to agree on the distribution, the grant shall be distributed discretionally on the basis of the number of votes cast for the parties on a national basis or according to the votes cast at a previous election.

(6) Before a public grant can be paid, the applicant must provide the County Governor with information about which bank account the payment is to be made to, the name of the account holder and who are authorised to access the account. A confirmation must be submitted at least once a year.

§13. *Government grants to political parties' organisations at municipal level*

(1) A party's municipal organisation may apply for a grant. Party organisations in Oslo may apply for a grant both as a municipal organisation and as a county organisation, cf. Section 12.

(2) The vote support is paid as an equal amount in kroner to each vote received at the last municipal council election. The basic support is paid as an equal amount in kroner to parties that at the last municipal election received at least 4% of the votes in the municipality or had at least one representative elected to the municipal council. Of the total support, 9/10 is distributed as vote support and 1/10 as basic support.

(3) The application shall be sent to the County Governor. Applications for grants during the first year after an election are considered to apply to the entire election period as long as the applicant does not provide other information during the period. The grant is disbursed by the County Governor to the parties' municipal organisations.

(4) Joint lists of election candidates, consisting of parties that meet the conditions in Chapter 2, may apply for vote support and basic support. The grant is calculated pursuant to subsection 2. The disbursements will be based on the parties' agreed proposal for distribution. Should the parties on the joint list fail to agree on the distribution, the grant shall be

distributed discretionally on the basis of the number of votes cast for the parties on a national basis or according to the votes cast at a previous election.

(5) Before a public grant can be paid, the applicant must provide the County Governor with information about which bank account the payment is to be made to, the name of the account holder and who are authorised to access the account. A confirmation must be submitted at least once a year.

§14. *The Ministry's right to withhold government grants*

The Ministry may make it a condition for payment of government grants to a party or a party unit that the party in question has delivered reports according to the rules in Chapter 4.

§15. *Appeals against decisions concerning government grants*

Decisions concerning the allotment of government grants may be appealed to the Political Parties Act Committee, cf. Chapter 5, within three weeks after the decision was made. The committee's decisions may be brought before the courts of law.

§16. *Regulations*

The Ministry may issue regulations stipulating that vote support below a certain amount shall not be paid.

Chapter 4. Funds from others. Accounting, bookkeeping and reporting. Publication

§17. *The right to receive donations*

(1) Anyone is permitted to donate to political parties and party units within the limitations that follow from Section 17a.

§17a. *Prohibition on receiving donations from certain donors. Special obligations associated with illegal donations*

(1) Political parties and party units cannot receive donations if the donor is unknown to the party (anonymous donations).

(2) Political parties and party units cannot receive donations from:

- a) legal entities controlled by the state or another public authority,
- b) foreign donors, which means private persons who are not Norwegian citizens or who do not fulfil the criteria for voter eligibility for municipal and county elections, cf. Section 2-2 of the Election Act, or legal entities registered abroad.

(3) In this section donation refers to any form of support.

(4) Illegal donations must be repaid to the donor within four weeks of having been received. Donations that cannot be repaid to the donor must be transferred to the public purse within the same deadline.

(5) All political parties and party units are required to report any donation pursuant to this Section that has not been repaid to the donor or transferred to the public purse by the deadline in the fourth subsection. The rules in Section 19(1) and 19(2) and Section 20(5) apply correspondingly. Such reports must be submitted at the latest five months after the end of the accounting year.

§18. *Obligation to keep accounts, bookkeeping obligation, reporting obligation, etc.*

(1) All political parties and party units mentioned in Section 1(3) second sentence have a statutory obligation to keep accounts pursuant to this Act and to regulations issued on the basis of this Act.

(2) Parties and party units mentioned in the first subsection must submit annual reports about income and expenditures in the period from 1 January to 31 December, as well as of assets and liabilities as at 31 December. The report must at the latest be submitted five months after the end of the accounting year.

(3) Political parties or units of political parties whose total income during the year is less than 12,000 kroner after the deduction of all public grants, are exempted from the obligation to keep accounts, the bookkeeping obligation and the reporting obligation in the first and second subsection. These parties are obliged to submit a declaration (simplified report) that their income for the year has been below this level. The same provisions of the Act also apply to such declarations as to reports pursuant to the second subsection.

(4) In election years, all parties and party units are required to submit separate reports for donations above 10,000 kroner received in the period from 1 January and up to and including the Friday prior to the date of the election. The report must be submitted within four weeks of the donation having been received. Donations that were received later than four weeks before the expiry of the period in which the reporting obligation in the first sentence applies, must be reported by the end of the Friday prior to the date of the election.

(5) Reports pursuant to this Section must be submitted to the central register for the system.

§18a. *Obligation to register and accounting system requirement*
(comes into force on 1 January 2014)

(1) Any transaction or disposition that affects the composition and size of the party or party unit's income, costs, liabilities or assets, must be registered in an accounting system. The information must be recorded and specified in a correct and accurate manner and in such a way that it can be reconstructed afterwards.

(2) The accounting system must be organised in a proper and clear manner and in a way that enables reporting to the central register for the system and verification of the information submitted.

§18b. *Documentation and storage of accounting materials*
(comes into force on 1 January 2014)

(1) Documentation, specifications and other accounting materials must be stored for at least five years. Storage must be in a form that retains the option to read the material.

(2) The storage obligation for party units subject to accounting and reporting obligations that are closed down is transferred to the closest party or party unit in the party hierarchy.

(3) Materials subject to a storage obligation must be properly safeguarded against unauthorised changes, deletion or loss.

§19. *Income that must be reported*

(1) The report shall contain a complete overview of the income received by the party or the party organisations during the period.

(2) The income shall be categorised as follows:

Public grants:

a) Government grants pursuant to Chapter 3

- b) Municipal/County support for the party
- c) Other public support

Income from the party's own activity:

- d) Subscription revenues
- e) Income from lotteries, fund-raising campaigns and similar
- f) Income from capital
- g) Income from business activities
- h) Other income

Donations from others:

- i) Private individuals
- j) Commercial enterprises
- k) Organisations in working life
- l) Other organisations, associations and unions, institutions, foundations and funds
- m) Others

Internal transfers:

- n) Transfers from other party units

(3) Donations are to be understood as monetary donations and the value of goods, services and other corresponding benefits that are received free of charge or at a reduced price. Benefits from private individuals consisting of ordinary volunteer work that does not require special qualifications, or that is not part of the benefactor's income basis, are not counted as donations. The same applies to the loan of premises and objects by private individuals who do not have this as part of their income basis.

(4) Donations other than monetary donations must be valued at their market value.

(5) Donations other than monetary donations valued below the threshold values in Section 20(1) can be exempted from the reporting obligation.

§ 20. Identification of donations, donors and sponsors. Declaration about agreements

(1) If during the period a donor has made one or more donations to the party's head organisation to a total value of 35 000 kroner or more, the value of the donation and the identity of the donor shall be reported separately. This also applies to donations to party units at the county council level to a total value of 23 000 kroner or more, and to donations to party units at the municipal level to a total value of 12 000 kroner or more. Donations to the parties' youth organisations are governed by the rules for donations to the parent party at a corresponding level.

(2) If political or business agreements have been made with any donors, a declaration about this must be included in the report. The declaration requirement applies to any agreement, independently of the threshold values in the first subsection. The identity of the donor must be listed in accordance with the fifth subsection.

(3) A declaration must be made about sponsorship agreements if the value of the benefit(s) from those with whom the agreement has been entered exceeds the threshold values in the first subsection. The identity of the sponsor must be listed in accordance with the fifth subsection.

(4) Donations to organisations or units that are directly or indirectly controlled by or otherwise affiliated with a party or party unit mentioned in Section 1(3) must be listed separately in the affiliated party unit's report if the total value exceeds the threshold values in the first subsection. The identity of the donor must be listed in accordance with the fifth subsection.

(5) Private individuals shall be identified by name and the municipality in which they live. Other donors, creditors or sponsors shall be identified by name and postal address.

§ 20a. Costs that must be reported

(comes into force on 1 January 2014)

(1) The report must contain a complete overview of the costs the party or party unit has incurred during the period.

(2) The costs must be categorised as follows:

Costs according to type

- a) Salary costs
- b) Cost of goods
- c) Costs of purchasing services
- d) Finance charges

Costs according to activity

- e) Administrative costs
- f) Costs related to party activities
- g) Election campaign costs
 - i. marketing costs
 - ii. other costs

(3) Transfers to other party units must be specified in a note.

§20b. *Balance sheet figures that must be reported*

(comes into force on 1 January 2014)

(1) The party or party unit must provide complete information about assets divided by fixed and current assets as well as short- and long-term liabilities.

(2) The identity of the creditor and the amount of the loan must be listed separately if the value of the loan agreement exceeds the threshold value in Section 20(1). Section 20(5) applies in a corresponding manner.

§21. *Declarations, signature and contact persons*

(1) Reports, including declarations under Section 18(2) and 18(3), shall contain a declaration that the party or the party unit has had no income, costs, liabilities, or assets that deviate from those reported.

(2) Reports shall be signed by the party or party unit's chair and at least one other member of the executive.

(3) The party or party units must at least once a year provide the central register for the system with information about who has been appointed contact person. The information must be confirmed by the party's head organisation.

§21a. Auditing obligation. Special provisions on the audit of political parties

(1) The party's head organisation has an audit obligation pursuant to the Auditors Act section 2-1. The exceptions in Section 2-1(2) of the Auditors Act do not apply. Other party units mentioned in Section 1(3) second sentence are not subject to audit obligations according to this Act.

(2) In addition to the accounts, an annual auditor's declaration must be provided about all issues subject to reporting obligations pursuant to chapter 4 of this Act.

(3) The person who audits and approves the accounts of a political party pursuant to the first subsection cannot at the same time be a member of the party or have had a total period of assignment in the party that exceeds eight years. For audit firms, this only applies to the person who is appointed as the statutory auditor.

(4) The rules on the duty of confidentiality in Section 6-1 of the Auditors Act do not prevent the auditor from giving information about the party's accounting dispositions to the Political Parties Act Committee and the Party Auditing Committee.

(5) In other respects the provisions of the Auditors Act apply.

§22. Publication

(1) A central register for reporting under this Act shall be established.

(2) The central register shall collate the information concerning the party and party unit's reports and make this available to the public in an appropriate manner, for example by electronic means. The register shall send an overview to the Political Parties Act Committee and to the Ministry of any parties or party units that have failed to comply with the requirement to report within the time limit.

§22a. Regulations

(1) Further rules on accounting and bookkeeping, definitions of donations and performances, the use of auditors, repayment, valuation and transfers of illegal donations to the public purse, the method of reporting and the organisation of the central register will be set by the Ministry in regulations.

(2) The Ministry can set rules in regulations so that the reporting system wholly or partially also includes the funding of the election campaigns of candidates who represent political parties or party units and who win representation to elected bodies. Reporting is done as part of the party or party unit's annual reporting pursuant to this Act.

§23. Transparency of party accounts and agreements with donors

(1) Parties or party units comprised by this Act are obliged on request to allow anyone to inspect the accounts that have been prepared for the previous year.

(2) The party or party unit are obliged on request to allow anyone to inspect agreements entered with donors.

Chapter 5. Committee for the control of party funding, appeals processing, etc.

§24. Committee for the control of party funding and appeals processing

(1) The Political Parties Act Committee is an independent administrative body, administratively subordinate to the King and the Ministry. Neither the King nor the Ministry may issue instructions concerning the execution of authority by the Political Parties Act Committee in individual cases under the law, nor may they alter it.

(2) The Political Parties Act Committee is granted the authority to:

- a) interpret the rules in this Act and in regulations issued on the basis of this Act
- b) control compliance with the funding provisions of this Act
- c) make decisions about the use of administrative sanctions and confiscations
- d) make decisions on appeals regarding registration, cf. section 8
- e) make decisions on appeals of decisions on the awarding of public grants, cf. section 15

(3) The Political Parties Act Committee can demand that the party or party unit presents all documentation that is significant for compliance with the obligations in chapter 4 of this Act and that the Committee finds reason to examine specially.

(4) If the Political Parties Act Committee finds it necessary, the party or party unit's compliance with its duties in chapter 4 can be controlled. This control is carried out by a specially appointed supervisory body, the Party Auditing Committee. The Party Auditing Committee can demand that the party or party unit presents all documentation that is significant to the aforementioned issue. Issues related to auditing activities that the Party Auditing Committee believes may violate the Auditors Act or Section 21a of this Act, must be reported to the Financial Supervisory Authority of Norway.

(5) In years other than election years, the Party Auditing Committee must, on request from the Political Parties Act Committee, conduct routine controls of the compliance of parties or party units subject to reporting obligations with the obligations in chapter 4. The control must be politically neutral and cannot include areas that touch on the party or party unit's independence or political freedom of action. The Party Auditing Committee must guide the party or party unit in its understanding of the obligations in chapter 4.

(6) Section 6-1 of the Auditors Act about the duty of confidentiality does not prevent the Party Auditing Committee from presenting information relevant to compliance with this Act or with Sections 276a to 276c of the General Civil Penal Code (1902) to the Political Parties Act Committee.

(7) Anyone who performs services or work for the Political Parties Act Committee or the Party Auditing Committee is required to prevent others from gaining access to, or knowledge of, the knowledge they gain about internal party issues as a result of their service or work. Section 13a(1) no. 1 to 3 and Section 13b(1) no. 2 to 6 of the Public Administration Act nevertheless applies.

§25. *Appointment of the Political Parties Act Committee. Composition*

(1) The members of the Political Parties Act Committee are appointed by the King in Council for six years at the time. Towards the end of the period, the Ministry may extend the mandate until a new Committee can be appointed.

(2) The Political Parties Act Committee must have at least five members. The chair must have the qualifications required of a judge. The members of the Committee may be reappointed.

§26. *The Committee's annual report*

The Committee shall submit an annual report on its activity. The report shall be forwarded to the Ministry by 1 October.

§27. *Regulations*

The Ministry may through regulations issue more detailed rules concerning the activity and composition of the Committee. The Ministry may also issue regulations concerning the opportunity to appeal the Committee's decisions in cases concerning inspection of documents pursuant to the Public Administration Act and the Freedom of Information Act and the costs of bringing cases under Section 36 of the Public Administration Act. The Ministry may in regulations issue corresponding provisions about the Party Auditing Committee.

Chapter 6. Administrative sanctions, confiscations and penalties

§28 *Administrative sanctions*

(1) In the event of violations of the rules in chapter 4, the Political Parties Act Committee determines by how much the party's public grant is to be reduced. A first violation of limited scope can be sanctioned by a formal warning. In determining the amount by which the grant is to be reduced, emphasis should be placed on how large a grant the party or party unit may apply for in the relevant year, and the severity and duration of the violation, among other things. The Ministry can issue further rules about the reduction in regulations.

(2) The courts can review all aspects of the Political Parties Act Committee's decision pursuant to this Section.

§29. *Confiscation*

(1) For violations of the provisions in section 17a, first to fourth subsection, the Political Parties Act Committee shall make a decision on the confiscation of up to the full value of the donation that has been received illegally.

(2) Section 28(2) applies in a corresponding manner.

§30. *Penalty*

(1) Whoever intentionally or by gross negligence gives materially incorrect information in connection with the reporting obligation in chapter 4 will be penalised by fines or imprisonment for up to two years.

(2) Whoever intentionally or by gross negligence is guilty of significant or repeat violations of the provisions in Section 17a will be penalised by fines or imprisonment for up to two years.

Chapter 7. Entry into force and transitional rules

§31. *Entry into force and transitional provisions*

(1) This Act comes into force from the date determined by the King. From the same date, Chapter 5 of Act no. 57 of 28 June 2002 relating to general, county council and municipal elections (the Election Act) is repealed.

(2) The King determines when to repeal Act no. 30 of 22 May 1998 on the publication of political parties' income.

(3) The Ministry may issue further transitional provisions.