

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.

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) 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,⁴ 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.

§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.

§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.

§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. Support from others. Reporting of political parties' income and sources of income. Publication

§17. *The right to receive donations*

- (1) Anyone is permitted to donate to political parties within the limitations that follow from the provision herein.
- (2) No political party may receive a donation if the identity of the donor is unknown to the party (anonymous donations). Such donations fall to the public purse.
- (3) Political parties may not receive donations from
 - a) legal entities under the control of the state or other public agency,
 - b) foreign donors, which means private individuals who are not Norwegian citizens or who do not satisfy the conditions for eligibility to vote at municipal and county council elections, cf. the Election Act Section 2-2 , or corporate bodies that are registered abroad.
- (4) In this provision, donation means any form of support that the party would be obliged to report pursuant to Section 19.

§18. *Obligation to report and the reporting period*

- (1) All political parties, including organisational units of parties that are comprised by this Act, shall submit annual reports on their income.
- (2) The report shall include income in the period 1 January to 31 December and shall be submitted no later than six months after the closing of the accounts.
- (3) Political parties or units of political parties whose total income during the year is less than 10,000 kroner after the deduction of all public support are exempted from the obligation to report accounts of their income pursuant to Section 19. These parties are obliged to submit a declaration that their income for the year has been below this level.
- (4) Reporting of accounts of income pursuant to Section 19, or declarations pursuant to subsection 3 of this Section, shall be submitted to the central register for the scheme.

§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 shall be valued at market value and reported as income. Such donations below the determined limits in Section 20 (1) may nonetheless be exempted.

§20. *Identification of donations and donors*

(1) If during the period a donor has made one or more donations to the party's head organisation to a total value of 30 000 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 county council level to a total value of 20 000 kroner or more, and to donations to party units at municipal level to a total value of 10 000 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) Private individuals shall be identified by name and address and the municipality in which they live. Other donors shall be identified by name and postal address.

§21. *Declarations, signatures and auditor's approval*

(1) The report shall contain a declaration that the party or the party unit has had no other income than that reported.

(2) If political or commercial agreements have been entered into with any donor, the report shall contain a declaration to this effect. The party or the party unit is obliged on request to allow inspection of agreements entered into with donors.

(3) Reports from the party's head organisation shall be signed by the party leader and be approved by an auditor.

(4) Reports, including declarations under Section 18 (3) from parties or party units at municipal or county level, shall be signed by the person who is applying for or signing in receipt of party support under Chapter 3 plus one more member of the board. No auditor's approval is required.

§22. *Publication*

- (1) A central register for reporting under this Act shall be established.
- (2) The central register shall compare the information concerning the party's income and sources of income 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.
- (3) Further rules concerning the manner of reporting and the organisation of the central register are determined in regulations issued by the Ministry.

§23. *Inspection of political parties' accounts*

Parties or party units comprised by this Act are obliged on request to allow inspection of the accounts that have been prepared for the previous year.

Chapter 5. Committee for considering appeals, etc.

§24. *Committee for distribution of grants and consideration of appeals*

- (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 shall:
 - a) interpret the relevant regulations
 - b) make decisions on withholding grants
 - c) decide on appeals concerning decisions relating to registration, cf. Section 8
 - d) decide on appeals concerning decisions relating to government grants, cf. Section 15

§25. *Composition of the Committee*

The members of the Committee are appointed by the King in Council for six years at a time.

The Committee shall have at least six members. The chairman of the Committee shall have the qualifications required for a judge.

§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 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.

Chapter 6. Entry into force and transitional rules

§28. *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.