



Guidance Note: By-Election

This guidance note is to provide practical advice and guidance for registered political parties and candidates who will be participating in the forthcoming by-election on 22 March 2013, for the Cheshire Hall and Richmond Hill, Electoral District 7. For the purposes of this by-election, the period will run from the date of the Writ of Election - 12 February 2013 to the date of the by-election on the 22 March 2013.

Financial Reporting Requirements:

Donations: The maximum donation amount permitted under the Political Activities Ordinance (the Ordinance) in respect of a donor is \$30,000 in any financial year. Therefore, this amount is continuous and any donations already made will count towards the maximum limit permitted. The Integrity Commission (the Commission) will not require the parties to submit weekly donation reports during the by-election period, outlined above. However, parties are required to submit a Donation report (form to be supplied) within 35 days of the election date and in any event no later than **Monday, 29th April, 2013.** This should include details of the name and address of the donor, the amount donated and other details as outlined on the form.

Expenditure: The spending limits set for the general elections of November 9, 2012 should be adhered to in respect of this by-election. The specified amount is therefore **\$30,000 per candidate.** Each party should submit to the Commission, a campaign expenditure return (form will be provided) within 35 days of the election date, and in any event no later than **Monday the 29th of April, 2013.** This should include the total amount spent during the by-election campaign and the category of expenditure in addition to further details as set out on the form.

The Commission is conscious of the relatively short timeframe available to the parties. It is with this in mind that we have sought to minimize the burden placed on parties during this period and also to strike a balance to ensure transparency and consistency in the process. The reporting requirement should not place any significant additional burden on the parties or individual candidates, as it is already a requirement under Section 12 of the Ordinance for the parties to keep daily donation and expenditure information throughout the financial year.

Notice of Contracts with Government: Sec. 49(1)(f) Notice: The provisions of Section 49(1) (f) of the Constitution continue with equal force with respect to the by-election. Section 49 (1) (f) requires any candidate, who on the date of his or her nomination for the election, is party to or partner in a firm or director or manager which is a party to any contract with the Government, to give the Commission, notice of such contract or his or her interest or the interest of such firm or company. This notice should be given to the Commission **on or before the date of his or her nomination,** in this case on or before the 1st of March, 2013.

Please note: the fact that a candidate had previously given Section 49(1)(f) Notice to the Commission as a candidate in the last general elections, does not exempt such a candidate from complying with section 49(1)(f) Notice in this by- election, if applicable to him or her. This notice will be published before the date of the by-election. Please see the attached guidance notes on section 49(1) (f) Notice.

Declarations and Registrable Interests

The candidate returned at the by-election as elected into the House of Assembly, shall, within 90 days of being sworn in as such, file his or her declaration of Income, Assets and Liabilities under Sec. 25 of the Ordinance and a Statement of his or her registrable interests under Sec. 36B of the Integrity Commission Ordinance, unless these have already been provided.

Previous guidance notes issued by the Commission during the general elections on these matters should be referred to for more detailed guidance.

Should you wish to contact the Commission in relation to campaign expenses, you can do so by using the following contact details:

- TCI Integrity Commission's General Office: 946-1941
- Deputy Director – Mr. Richard Been on 338-3335 or via e-mail: pfaunit@integritycommission.tc or secretary@integritycommission.tc
- Integrity Commission
Franklyn Missick's Building
Church Folly,
Grand Turk,
Turks and Caicos Islands

Note: These guidance notes are issued to assist political parties and candidates in complying with their obligations under the Political Activities Ordinance. They are not intended to supersede the Ordinance and Regulations and in the event of any inconsistency, the Ordinance and Regulations prevail. This also applies to any future guidance notes provided by the Integrity Commission