

Campaign Expenditure
Expenses incurred by or on behalf of the party which are expenses falling within Part 1 of Schedule 4 and so incurred for election purposes.

Election Campaign is a campaign:

- conducted by the party for election purposes
- for promoting or procuring electoral success for the party at an election
- to enhance the standing of the party or candidates of the party

Notional Campaign Expenditure

This refers to property (personal or commercial) facilities or services. If the property, facilities or services is or are made use of by or on behalf of the party in circumstances such that, if any expenses were to be (or are) actually incurred by or on behalf of the party in respect of that use, they would be (or are) campaign expenditure incurred by or on behalf of the party. Section 41

In cases where property, services or facilities are transferred or provided free of charge, the party is required to pay the market value of the property. However, in cases where the property, services or facilities is transferred at a discount, the party is expected to pay the difference between the market value and the amount of expenses actually incurred. Section 41.

Restrictions – Campaign expenditure

No campaign expenditure is to be incurred by or on behalf of a registered party unless it is incurred with the authority of:

- a) The treasurer of the party
- b) A deputy treasurer of the party; or
- c) A person authorized in writing by the treasurer or a deputy treasurer.

A person commits an offence if without reasonable excuse, he incurs any expenses in contravention of Section (1) and is liable, on summary conviction, to a fine of \$5000. Section 42 (2) and (4).

Restrictions- Payments made in respect to Campaign Expenditure:

No payment (of whatever nature) may be made in respect of campaign expenditure incurred or to be incurred by or on behalf of a registered party unless it is made by:

- a) The treasurer of the party
- b) A deputy of the party; or
- c) A person authorized in writing by the treasurer or a deputy treasurer

Any payment made in excess of \$200 must be supported by an invoice or a receipt.

Financial Limits S.46(8)

If during an election for members of the House of Assembly, a registered party contests one or more electoral districts, the specified amount applied to campaign expenditure incurred in the 365 days up to polling day is:

- 3) \$40,000 for each electoral district contested by the party. Of which there are ten.

- 1) \$50,000 in relation to All Islands candidates. Of which there are nine.
- 2) \$110,000 in relation to the leader of the party

The maximum spend allowed for a party is \$960,000. Any expenditure exceeding the limit falls under the liability of the treasurer or candidate.

Returns as to Campaign Expenditure:

- The Treasurer must prepare returns with declarations in respect of campaign expenditure incurred by or on behalf of the party during that period. Section 47.
- A return must specify the poll for the relevant campaign period and must contain a statement of:
 - o All payments made in respect of campaign expenditure incurred on behalf of the party during the relevant period.
 - o All disputed claims (Section 45) of which the treasurer is aware; and
 - o Any unpaid claims which the treasurer is aware (Section 44).
- During the relevant campaign period (RCP)/election period) any expenditure which exceeds \$250,000, an audit report has to be submitted by a qualified auditor and submitted under section 47 and 48.
- The treasurer has six months from the end of RCP to submit returns and audit report if the expenditure is over \$250,000. (Section 49 IC Ord. 3 months if less than \$250K
- The Commission keeps these records for two years. (Section 52)

Controlled expenditure by third parties:

A recognized third party is S56:

- An individual resident in the Turks and Caicos Islands or registered in the Register of Electors;
- A registered party; or
- A body falling within any of paragraphs (b), and (d) to (f) of section 24 (2)/ permissive donors.

Third parties must have a “responsible person”:

- a) If the third party is an individual, that individual
- b) If the is a registered party, the treasurer of the party; and
- c) Otherwise, the person or officer for the time being notified to the Commission by the third party in accordance with Section 56 (3) (c) (ii).

Election material does not have mention the name of any party or candidate.

The third party must file a notification signed by the responsible persons of the registered party and him/herself the particulars; (i) his full name, (ii) address, (iii) the party’s registered name and (iv) address of the registered headquarters.

No expenditure on behalf of the third party can be done unless it is being done by the responsible person; or the person has been authorized in writing by the responsible person. A third party can only spend up to \$50,000 within a relevant campaign period.

A person guilty of an offence is liable on summary conviction fine of \$5000. Section 58 (5).

Relevant Campaign Period is 12 months before election or from the date of the campaign of an election to Election Day.

Qualifying Expenses (Schedule 4, Part 1)

- 1. Party Political broadcasts include agency fees, design costs and other costs in connection with preparing or producing such broadcasts.**
- 2. Advertising of any nature (whatever the medium used).**
- 3. Unsolicited material addressed to elector (whether addressed to them by name or intended for delivery to households within any particular area or areas).**
- 4. A manifesto or other document setting out the party’s policies.**
- 5. Market research or canvassing conducted for the purpose of ascertaining polling intentions.**
- 6. The provision of services or facilities in connection with press conferences or other dealings with the media**
- 7. Transport (by any means) of persons to any place/s with a view to obtaining publicity in connection with an election campaign.**
- 8. Rallies and other events, including public meetings (but not annual or other party conferences) to obtain publicity for the purposes connected with an election campaign.**
- 9. Temporary election staff. Expenses in respect of persons employed or otherwise engaged by a party to carry out functions wholly or mainly related to an election.**

NB: SEE GUIDANCE NOTES

TURKS AND CAICOS ISLANDS



The Campaign and party expenditure

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Good Faith in Public Life”*