

Laws of South Sudan

**The Political Parties Act, 2012
(Amendment) Act, 2022.**

LAWS OF SOUTH SUDAN
POLITICAL PARTIES ACT, 2012 (AMENDMENT) ACT, 2022
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LAWS OF SOUTH SUDAN

Political Parties Act, 2012 (Amendment) Act, 2022

In accordance with the provisions of Article 55 (3) (b), read together with the provisions of Article 85 (1) of the Transitional Constitution of the Republic of South Sudan, 2011 (as amended), the Transitional National Legislature hereby enacts the following:

Chapter I

Preliminary Provisions

1. Section 1 of the Political Parties Act, 2012 is amended by adding:

2. Title and Commencement

This Act shall be cited as the **Political Parties Act, 2012 (Amendment) Act, 2022**.

2. Section 3 in the Act is amended by deleting and substituting it to read as follows:

3. Purpose

This Act provides for the establishment of a Political Parties Council and a legal framework to regulate the establishment of political parties and all other matters incidental thereto.

3. Section 4 of the Act is amended by adding, deleting and substituting it with:

4. Authority and Application

- (1) This Act is enacted in accordance with provisions of Article 25, read together with provisions of Schedule (A) (31) of the Transitional Constitution of the Republic of South Sudan, 2011 (Amended), which grant the Revitalized Transitional Government of National Unity, exclusive legislative powers over regulation of political parties.
- (2) The provisions of this Act shall apply to all political parties that will register in the Republic of South Sudan in accordance with sections 6 and 7 of this Act. All registered political parties shall be required to comply with the provisions of the Act within six (6) months of its

enactment.

4. Section 5 in the Act is amended by deleting and substituting it with:

7 Interpretation

In this Act, unless the context otherwise requires:

- (a) The word **"Agreement"** and its definition is added in the Act:

"Agreement" means the Revitalized Agreement on the Resolution of the Conflict in the Republic of South Sudan signed on 12th September 2018;

- (b) The word **"Coalition"** and its definition is added in the Act:

"Coalition" means an alliance of two or more political parties formed for the purpose of pursuing a common goal and is governed by written agreement deposited with the Secretariat of the Political Parties Council;

- (c) The definition of the word **"Constitution"** is amended in the Act:

"Constitution" means the Transitional Constitution of the Republic of South Sudan, 2011 (as amended);

- (d) The definition of the word **"Court"** in the Act is amended by adding an expression:

"Court" means the Supreme Court of South Sudan;

- (e) The definition of expression **"Competent Court"** in the Act is amended by adding an expression:

"Competent Court" means the court specified by the Chief Justice of the Republic of South Sudan to be competent to rule on contraventions and appeals presented in accordance to this Act;

- (f) The word **"Government"** and its definition is added in the Act:

"Government" means the Revitalized Transitional Government of National Unity established in accordance with provisions of the Agreement;

- (g) The definition of expression **"National Assembly"** in the Act is

amended by deleting, substituting and adding:

“National Assembly” means the Transitional National Legislative Assembly of South Sudan;

(h) The word **“Person”** and its definition is added in the Act:

“Person” means a natural person or political party;

(i) The word **“President”** and its definition is added in the Act:

“President” means the President of the Republic of South Sudan;

(j) The expression **“Public Official”** and its definition is added in the Act:

“Public Official” means a person holding or acting in any public office within a State organ;

(k) The word **“Regions”** and its definition is added in the Act:

“Regions” means the greater regions of Bahr El Ghazal, Equatoria and Upper Nile;

(l) The expression **“Special Interest Groups”** and its definition is added in the Act:

“Special Interest Groups” means groups of persons facing unique circumstances that might impact them negatively and includes women, youth, and persons with special needs.

The definition of expression **“State Assembly”** in the Act is amended by adding an expression:

“State Assembly” means a legislative assembly established at the state level in the Republic of South Sudan;

(m) The expression **“General Secretariat”** and its definition in the Act is amended by deleting:

“Secretariat” means the Secretariat established in accordance with provisions of section 22 of this Act:

Chapter II

Registration of Political Parties

5. New section 6 is added in the Act and subsequent sections re-numbered accordingly:

6. Application for Provisional Registration

- (1) An association of persons or organization applying to be registered as a political party may apply to the Council for provisional registration.
- (2) An application for provisional registration of a proposed political party shall be in writing and be signed by the applicants of whom at least thirty five per cent are women.
- (3) An application for a provisional registration shall be accompanied by the following:
 - (a) a copy of the constitution of the political party;
 - (b) a signed resolution of the first meeting of the founding members, policies, plans and manifesto;
 - (c) the name of the political party and if it proposes to use an abbreviation of its name for the purposes of this Act, set out that abbreviation;
 - (d) list of names of its political party leaders;
 - (e) an undertaking to be bound by the Constitution and this Act;
 - (f) proposed party emblem and logo; and
 - (g) be accompanied by the prescribed fees.
- (4) Upon application for registration, the Council shall within thirty (30) days of the application issue a certificate of provisional registration.
- (5) A political party that has been provisionally registered shall no later than one hundred and eighty (180) days from the date of the provisional registration apply to the Council for full registration.
- (6) The Council shall within seven (7) days of the receipt of the application publish a notice in the Gazette or at least two newspapers having nationwide circulation inviting objections from

any person or any other political party concerning registration of the name, symbol or colour of the party or any other issue relating to the registration of the political party.

- (7) The provisional registration of a political party which has not applied for full registration shall lapse at the expiry of one hundred and eighty (180) days from the date of the issue of the certificate of the provisional registration.
- (8) A political party whose registration has expired under sub-section (7) of this section shall be barred from re-applying under this section for a continuous period of twelve months from the date of expiration.
- (9) Re-application for provisional registration shall be limited to one application per party.
- (10) The provisional registration of a political party which has applied for full registration shall be valid until the party is issued with a certificate of full registration or until the application of the political party to be registered has been rejected.
- (11) A political party that has only been provisionally registered shall not be entitled to participate in any election.

6. Section 6 in the Act is amended by deleting, substituting and restructuring as follows:

7. Application for Full Registration

- (1) No association of persons or organization shall operate or function as a political party unless it has been registered in accordance with the provisions of this Act.
- (2) An application for full registration of a political party shall be in writing and shall be signed by an authorized official of the political party.
- (3) A provisionally registered political party shall be qualified to be fully registered if:
 - (a) it has recruited as members, not less than five hundred eligible voters from at least two-thirds of the states and administrative Areas;
 - (b) the members referred to in paragraph (a) reflect regional and

ethnic diversity, and gender balance/representation;

- (c) the composition of its governing body reflects regional and ethnic diversity, and gender balance;
 - (d) at least 35% of the members of its governing body are women
 - (e) it has demonstrated that members of its governing body meet the requirements of the Constitution and this Act.
 - (f) it has submitted to the secretariat:
 - (i) a list of the names, addresses and identification particulars of all its members;
 - (ii) the location of its head office within South Sudan and the address to which communications can be sent; and
 - (iii) the location and addresses of the branch offices of the political party;
 - (g) it has undertaken to be bound by this Act and the regulations.
- (4) A person is disqualified from being a member of the governing body if that person:
- (a) is an undischarged bankrupt; or
 - (b) has contravened the Constitution or relevant law.
- (5) The Council shall, within sixty (60) days of an application under subsection (2), issue a certificate of full registration to a provisionally registered political party which has fulfilled the conditions of full registration.
- (6) A person who is not a citizen of South Sudan shall not be appointed to any office in a political party in South Sudan.
- (7) The Council shall conduct open registration of political parties in accordance with regulations issued herein.
- (8) The Council may refuse an application for the registration of a political party:
- (a) if the name of the political party, the abbreviation of the name or the symbol desires to use for the purposes of this Act:
 - (i) obscene or offensive;
 - (ii) is the name, or is an abbreviation of another political party that is registered under this Act, or

(iii) nearly resembles the name or symbol, or an abbreviation of the name of another political party registered under this Act or any other legal entity registered under any other applicable law.

(b) If the political party fails to comply with the requirements of the Constitution and this Act.

(9) Any political party whose application for registration is denied may appeal to the Court against the decision of the Council and the Court shall determine the matter within ninety (90) days, which shall be final.

7. New section 8 is added in the Act and subsequent sections re-numbered accordingly:

8. Rights and Privileges of a Political Party

(1) A political party fully or provisionally registered shall be entitled to:

(a) hold and address public meetings in any area in South Sudan for the purposes of publicizing the political party and recruiting members;

(b) protection and assistance of the state security agencies for the purposes of facilitating peaceful and orderly meetings; and

(c) provision by the state of fair opportunity to present the programmes of the political party.

(2) A fully registered political party shall be entitled to field candidates for elections.

(3) A political party registered in accordance with this Act shall pay in respect of the registration such fees, which shall not be refundable, as the Council may by regulations determine.

(4) A political party shall upon registration under this Act be a body corporate with perpetual succession and a common seal, may sue and be sued in its corporate name, and shall have the power to acquire, hold, manage or dispose of movable or immovable property.

(5) No political party shall engage in political work or other activities at national or state level unless it is registered in accordance with the provisions of this Act.

(6) The registered political parties in South Sudan shall maintain their status and be deemed to have been registered in accordance with the provisions of sections 6 and 7 of this Act.

(7) Notwithstanding the provisions of sub-section (6) of this section,

registration shall be an ongoing process and any political party not registered shall be registered in accordance with the provisions of this Act.

8. Section 7 (7) in the Act is amended by deleting and substituting it with:

9. Mergers of Political Parties

(7) Where a political party merges with another political party, a member of the political party merged with another political party who is a member of the Council of States or a member of the National Legislative Assembly or of a State Assembly or of a County Legislative Council and who does not desire to be a member of the political party formed after the merger shall remain in the Council of States or the Transitional National Legislative Assembly or the State Legislative Assembly or the County Legislative Council as the case may be and may join another political party or choose to be an independent member for the remainder of the term.

9. New section 10 is added in the Act and subsequent sections re-numbered accordingly:

10. Coalitions

- (1) Two or more political parties may form a coalition before or after an election and shall enter into a coalition agreement and deposit it with the Council.
- (2) A coalition agreement entered into before an election shall be deposited with the Council at least sixty (60) days before that election.
- (3) A coalition agreement entered into after an election shall be deposited with the Council within twenty-one days of the signing of the coalition agreement.
- (4) A coalition agreement entered into by two or more parties shall state the coalition election rules and the coalition nomination rules of the political parties.
- (5) The terms of the coalition agreement entered into by two or more parties shall be provided by regulations issued under this Act by the Council.

Chapter III

The Council

10. The title of Chapter III and section 8 (3) is amended by deleting and substituting and further adding new sub-sections (4) and (5):

Chapter III
The Political Parties Council

11. Establishment of the Council, its Headquarters and Tenure

- (3) The term of office of members of the Council shall be five (5) years and may be eligible for renewal upon re-appointment by the President after consultation with all the political parties and stakeholders to the Agreement provided that during the transitional period the President shall consult with the First Vice President and the four Vice Presidents.
- (4) Notwithstanding the provision of (3) above, during the Transitional period the executive of the RTGoNU shall reconstitute the Political Parties Council not later than two (2) months after amendment of the Political Parties Act, and no later than four (4) months into the Transitional Period.
- (5) A person may be appointed as member of the Council, if he or she fulfills the following eligibility requirements:
- (a) be a South Sudanese;
 - (b) be at least thirty years of age;
 - (c) be of sound mind;
 - (d) be literate, with at least a secondary school leaving certificate or equivalent; and
 - (e) not having been convicted of an offence involving honesty or moral turpitude for the last seven years.

11. Section 10 (1), (3) and (4) in the Act is amended by deleting and substituting and further adding new sub-sections (2) and (3) and subsequent sections re-numbering accordingly:

13. Membership of the Council.

- (1) The Council shall be comprised of a full-time Chairperson and Deputy Chairperson and seven (7) part-time members who shall be constituted by the Executive of the RTGoNU, provided that

during the transitional period the President shall consult with the First Vice President and the four Vice Presidents and such constitution shall be in consultation with all the registered political parties and stakeholders.

- (2) The status of the Chairperson and the Deputy Chairperson shall be similar to that of a National Minister and Deputy Minister respectively.
- (3) The Council shall comprise of at least thirty- five percent women.
- (4) All members of the Council shall be resident in South Sudan.
- (5) Members of the Council shall be persons known for their integrity, honesty, objectivity, experience and shall have no partisan affiliations.
- (6) The Chairperson, Deputy Chairperson and members of the Council shall be approved by resolution adopted by a two-third majority of the members of the Transitional National Legislative Assembly, and following approval shall be appointed by the President.
- (7) Before assuming their functions, the Chairperson, Deputy Chairperson and members of the Council shall take oath before the President.

12. New sections 14, 15, 16 and 17 are added in the Act and subsequent sections re-numbered accordingly:

14. Vacancy in the Council

- (1) Membership of the Council may fall vacant for any of the following reasons:
 - (a) Failure to satisfy the eligibility requirements provided under section 11(4) of this Act
 - (b) Removal for reasons of proven partiality, non-performance or gross misconduct related to functions, powers, or procedures of the council.
 - (c) acceptance by the President of a letter of resignation by a member
 - (d) mental infirmity or physical incapacity as certified by a medical report; or
 - (e) death
- (2) Whenever the position of any member becomes vacant for any of the reasons specified in sub-section (1) of this section, selection of the successor member of the Council shall be made within a period not

exceeding thirty (30) days and the replacement shall be according to the same procedures and under the same conditions as set forth in section 13 of this Act.

15. Termination of Membership or Removal

(1) Membership of the Council may be terminated for any of the following reasons:

- (a) absence for five consecutive ordinary meetings without permission or an acceptable excuse, proof of which shall be contained in a report approved by the Council to be submitted by the Chairperson or Deputy Chairperson to the President; and
- (b) being convicted of a crime involving fraud, dishonesty or moral turpitude, proof of which shall be contained in a report approved by the Council to be submitted by the Chairperson or Deputy Chairperson to the President.

(2) The President may remove the Chairperson, Deputy Chairperson, or any member of the Council from office for the reasons specified under this Act, provided that during the transitional period the President shall consult with the First Vice President and the four Vice Presidents before the removal and with the approval of a vote of not less than two-thirds of the members of the Transitional National Legislative Assembly and in consultation with stakeholders.

16. Funding of the Council

The Government shall provide adequate funding to the budget and activities of the Council. The Council may receive donations or contributions from any other lawful source.

17. Emoluments and Benefits of Members

The Emoluments and benefits of the Council shall be determined by law.

13. Section 11 in the Act is amended by deleting, substituting and restructuring it into two sub sections (1) and (2):

18. Powers and Functions of the Chairperson of the Council

(1) The Chairperson of the Council shall have the following functions:

- (a) to preside over meetings of the Council;
- (b) to maintain order and represent the Council within and outside South Sudan;
- (c) to supervise the financial and administrative matters of the Council;

- (d) to call meetings of the Council;
- (e) to sign regulations and resolutions of the Council; and
- (f) to monitor the activities of political parties.

(2) The Chairperson of the Council may delegate his or her powers and functions provided under this Act or any other applicable law to the Deputy Chairperson, member of the Council or Secretary General for effective and efficient performance of the Council.

14. New section 19 is added in the Act and subsequent sections be re-numbered accordingly:

19. Functions and Duties of the Deputy Chairperson of the Council

Without prejudice to generality of provisions of section 18 (2) of this Act, the Deputy Chairperson of the Council shall have the following functions:

- (a) undertake a full deputizing role in the absence of the Chairperson;
- (b) ensure that opportunities for further development for all members of the Council are regularly provided for;
- (c) undertake specific tasks and responsibilities as requested by the Chairperson; and
- (d) any other function as may be conferred by this act, regulations or any other applicable law.

15. Section 12 (2) in the Act is amended by adding:

20. Meetings of the Council

- (2) The quorum for meetings and resolutions of the Council shall be five (5) of its members and decision-making shall be by simple majority and in the event of a tie, the Chairperson shall have a casting vote.

16. Section 13 (1) (a) and (e) and sub-section (2) (c) in the Act is amended by deleting and substituting and further adding new paragraphs (e), (f), (g) and (i) in sub-section (1) and subsequent sections re-numbering accordingly:

21. Functions of the Council

- (1) The Council shall have the following functions:
 - (a) register, monitor, regulate and de-register political parties in accordance with the provisions of this Act;
 - (b) issue certificates of registration to political parties;

- (c) indicate in the register that changes have taken place within a political party;
 - (d) maintain records of registered political parties;
 - (e) administer the Political Parties Fund;
 - (f) investigate and determine complaints received under this Act;
 - (g) ensure publication of audited annual accounts of political parties;
 - (h) prepare the annual budget proposal for the Council and submit it to the National Council of Ministers for consideration and approval by the Transitional National Legislative Assembly;
 - (i) observe the conduct of political parties primary elections; and
 - (j) carry out any other function as may be prescribed by this Act or any other applicable law.
- (2) In carrying out the functions referred to in sub-section (1) of this section the Council shall have the following powers:
- (c) demand that all political parties comply with the Constitution, laws, regulations and obligations set forth in this Act.

17. Section 14 (1) in the Act is amended by deleting and substituting and further adding a new sub-section (2) and re-structuring of subsequent sub-sections renumbering accordingly:

22. The Secretariat

- (1) There shall be established a Secretariat for the Council to be headed by a Secretary General. The Secretary General shall be:
 - (a) appointed by the Council; and
 - (b) a person of integrity, experience and high efficiency.
- (2) The emoluments and benefits of the Secretary General shall be determined by the Council in accordance with the Civil Service Act 2011.
- (3) The Secretariat shall comprise such staff, experts or consultants as may be determined by the Council.

Chapter IV

Establishment of Political Parties

18. Section 15 (a) in the Act is amended by deleting and substituting it and further repealing sub-section (2) of the same:

23. Right to Establish Political Parties

- (a) Political parties shall be formed to further purposes which are not contrary to the Constitution and the laws of the Republic.

19. Section 16 in the Act is repealed and subsequent sections be re-numbered accordingly.

20. New sections 24, 25, 26, 27 and 28 are added in the Act and subsequent sections re-numbered accordingly:

24. Restrictions on Public Officials in Political Party

(1) A public official shall not:

- (a) be eligible to be a founding member of any political party;
- (b) be eligible to hold office in any political party;
- (c) engage in political activity that may compromise or be seen to compromise the political neutrality of his or her office; or
- (d) publicly indicate support for or opposition to any political party or candidate in an election.

(2) Sub-section (1) shall not apply to the President, the First Vice President, the four Vice Presidents, Ministers, Deputy Ministers, Members of the National Legislative Assembly, Members of the Council of States, Governors, Deputy Governors or Members of State Legislative Assembly, County Commissioners, Mayors and Members of the City Council.

(3) For the purposes of this section, public official includes:

- (a) Diplomats of the Ministry of Foreign Affairs;
- (b) Members of armed forces and other law enforcement agencies;
- (c) Justices and Judges of the Judiciary of South Sudan;
- (d) Legal Advisors and Public Attorneys in the Ministry of Justice;
and
- (e) Civil servants at all levels.

25. Records of Political Party

- (1) A political party shall maintain at its head office and at each of its state, administrative area and county office in the prescribed form an accurate and authentic record of:
 - (a) a register of its members;
 - (b) a copy of its constitution;
 - (c) a copy of its policies and plans;
 - (d) particulars of any contribution, donation or pledge of a contribution or donation, whether in cash or in kind, made by the founding members of the political party;
 - (e) estimates of the expenditure relating to state funds to the political party in accordance with laws relating to public finance management;
 - (f) particulars of any property that belongs to the party and the time and the mode of acquisition of the property;
 - (g) latest audited books of accounts of the political party which shall be in accordance with the principles of accounting having regard to the purpose of this Act, showing:
 - (i) the sources of the funds of the political party and names, addresses and such other contact details as the Council may require of any persons who have contributed thereto;
 - (ii) membership fees and dues paid;
 - (iii) donations in cash or in kind;
 - (iv) indirect contributions to the party and all receipts and disbursements, including income and expenditure transactions of the political party;
 - (v) all the financial transactions and records of assets and liabilities of the political party; and such other relevant particulars as the Council may prescribe.
- (2) A person who interferes with, damages or destroys the records of a registered political party commits an offence.

26. Conditions to be observed by a Political Party

Every political party shall abide by the following conditions:

- (a) membership shall be open to any South Sudan national who

- agrees to comply with the goals and principles of a political party;
- (b) its manifesto shall not contravene provisions of the Transitional Constitution of the Republic of South Sudan, 2011(as amended);
 - (c) its executive organ shall be democratically elected at all levels and shall provide for at least thirty- five per cent representation of women on a basis to be established by each party;
 - (d) strive to ensure that young people and people with special needs are represented and participating in key decision-making body of the party.
 - (e) create and implement special programs for young men and women and people with special needs in political parties processes included but not limited to mentorship, coaching and leadership development programs.
 - (f) its funding shall be transparent and open to the public;
 - (g) have a constitution approved by its founders at its founding meeting. At such meeting the party shall elect the highest political party leadership and approve the list of names of its founders;
 - (h) observe democratic principles in its political activities and respect peaceful transfer of power;
 - (i) the means to achieving its goals shall not include establishment of covert or overt military formation or cells within the party itself, armed forces or establishment of any paramilitary forces;
 - (j) not engage in or incite violence or promote hatred among ethnic, religious or racial groups in the Republic of South Sudan; and
 - (k) not be a branch of a foreign political party outside South Sudan.

27. Notice to Produce Records

- (1) The Council may issue a written notice, in the prescribed form, to the Chairperson of the political party to furnish, for inspection by the Council, the records required to be maintained under section 25 or such other information as is reasonably required by the Council to ensure compliance with the provisions of this Act.

- (2) The Council may make copies of or take extracts from any records or other information furnished to the Council under this section.
- (3) The Chairperson of a political party shall comply with a notice issued by the Council under sub-section (1).
- (4) A Chairperson of a political party who fails to comply with the notice under this section commits an offence.

28. Notification of Changes by a Political Party

- (1) Where a fully registered political party intends to change or amend:
 - (a) its constitution;
 - (b) its rules and regulations;
 - (c) the title, name or address of any party official; or
 - (d) its name, symbol, slogan or colour;

it shall notify the Council of its intention and the Council shall within fourteen (14) days after the receipt of the notification cause a notice of the intended change or alteration to be published in the official gazette.

- (2) The political party giving a notification under sub-section (1) of this section shall publish such a notification in at least two daily newspapers having nationwide circulation.
- (3) Upon the expiry of the thirty days from the date of the publication of the notice in sub-section (1) of this section, the political party may, after taking into account and representations received from the public under subsections (1) and (2) of this section, effect the change or alteration in accordance with its constitution and rules.

21. Sections 17 (1) (b), (3), (7) and (8) in the Act is amended by deleting and substituting it with:

29. Submission of Documents

- (1) A political party shall submit the following documents to the Council:
 - (a) three approved copies of its constitution and rules or by-laws;
 - (b) a list of names of its executive committee;
 - (c) copy of the approved list of founders including particulars of each of them as required by regulations issued under the

provisions of this Act,

(d) an approved copy of minutes of the founding meeting.

(3) The Council shall submit to the Ministry of Justice and Constitutional Affairs a summary of the key documents of every registered political party which shall be published in the official gazette or at least two daily newspapers with nationwide circulation.

(7) The Council shall issue, on the basis of the resolution referred to in subsection (5) of this section, a certificate showing that a party is registered and such registration shall be published in the official gazette or in at least two daily newspapers with nationwide circulation.

(8) In the case that the contents of the documents submitted by any political party pursuant to the provisions of this section:

(a) contravene any provision of the Constitution of the Republic of South Sudan, 2011, this Act or regulations issued thereunder;

(b) are incomplete or fail to include required information;

(c) carry incorrect dates of establishment of the political party, the political party shall be given fifteen days to correct such irregularities in its documents and only after the documents have been corrected the Council shall issue a resolution registering such political party.

22. Section 18 (1) in the Act is amended by deleting and substituting it with:

30. Constitutions of Political Parties

(1) Political parties shall have constitutions and regulations containing objectives, programmes, organizational structures and financial organs which shall not be inconsistent with provisions of the Constitution or this Act and regulations. Specifically, political parties' constitutions shall include the following minimum requirements:

(a) name of the political party;

(b) address of its headquarters;

- (c) the goals and objectives the political party seeks to achieve;
 - (d) conditions for membership, procedures for joining the political party, resignation, dismissal and rights and obligations of its members;
 - (e) organizational structures and the manner in which organs and leaders are to be selected and how meetings of the party are convened; and
 - (f) the manner in which its funds and properties are to be managed and the entity in which such funds and properties are to be vested in the event of dissolution.
- (2) No political party shall have a name identical to the name of another political party in the country.

23. The title of section 19 and its sub-sections (1) and (2) in the Act is amended by deleting and substituting it with:

31. General Convention

- (1) Every political party shall hold a general convention at least once every four years.
- (2) The political party shall inform the Council in writing at least three (3) weeks prior to holding its general convention.

24. New section 31 is added in the Act and subsequent sections re-numbered accordingly:

32. Suspension and De-registration of a Political Party

- (1) The Council may de-register a political party if the political party has:
 - (a) contravened the provisions of Article 25 (3) of the Constitution;
 - (b) not respected the objectives and principles in the Constitution;
 - (c) obtained its registration in a fraudulent manner;
 - (d) instigated or participated in the commission of an election offence; or
 - (e) acted contrary to the provisions of section 27 of this Act; or
 - (f) not presented candidates in any constituency for two consecutive elections.
- (2) Before de-registering a political party, the Council shall:
 - (a) inform the political party leadership, in writing, of the particulars

of the breach or contravention;

(b) inform the political party leadership, in writing, of the intention to de-register the party; and

(c) direct the political party leadership to remedy the breach or contravention within ninety (90) days or otherwise show cause why the party should not be de-registered.

- (3) The Council may suspend the de-registration of a political party to enable that political party to remedy the breach specified in the notice issued by the Council under sub-section (2) of this section.
- (4) A political party that has been suspended under sub-section (3) of this section shall not be entitled to any of the rights and privileges specified in section 20 of this Act.
- (5) The Council shall de-register a political party which has not remedied the breach or complied with the Act as required by the Council under sub-section (2) of this section.
- (6) The Council shall de-register a political party which has been declared to be a prohibited organization under the provisions of any written law.
- (7) A person who is a member of a political party that has been de-registered and is a member of the Council of States, Transitional National Legislative Assembly or State Legislative Assembly or Administrative Areas and County Legislative Council shall continue as a member of the Council of States, Transitional National Legislative Assembly or State Legislative Assembly as the case may be for the unexpired term.

Chapter VI

Financial Provisions

25. New sections 34, 35, 36 and 37 are added in the Act and subsequent sections re-numbered accordingly:

34. The Political Parties Fund

There shall be established a Fund to be known as the Political Parties Fund which shall be administered by the Council.

35. Sources of Funding

- (1) The sources of the Fund shall include but not be limited to the following:
 - (a) financial allocation by the National Government as approved in the national budget; and;
 - (b) contributions and donations to the Fund from any other lawful source.
- (2) The balance of the Fund at the end of the financial year shall be retained for the purposes for which the Fund is established, subject to any law relating to public finance.
- (3) Notwithstanding the provision of sub-section (1) of this section, other financial sources of funds of a political party shall consist of the following:
 - (a) members' subscriptions;
 - (b) contributions and donations from national non-governmental entities, corporations, companies and individuals provided that such contributions and donations shall be registered with the Council and be made public; and
 - (c) revenue from investments of its funds resulting from activities specified by this Act;
- (4) The resources of a political party shall not be disposed of or spent except in the areas specified by its constitution, rules and regulations.
- (5) A political party that accepts any financial donation or contributions from any foreign person or from any foreign body commits an offence.
- (6) All registered political parties shall declare their sources of funding annually to the Council.
- (7) Any political party that contravenes sub-section (6) of this section commits an offence.

36. Distribution of the Fund

- (1) The Fund shall be distributed as follows:
 - (a) eighty percent 80% of the Fund proportionately allocated by

reference to the total number of votes secured by each political party in the preceding general election;

(b) fifteen percent 15% of the Fund proportionately allocated to political parties qualifying under paragraph (a) based on the number of candidates of the party from special interest groups elected in the preceding general election; and

(c) five percent 5% allocated for the administration expenses of the Fund.

(2) Notwithstanding sub-section (1) of this section, a political party shall not be entitled to receive funding from the Fund if the party does not secure at least five per cent of the total number of votes cast at the preceding general elections.

(3) For purposes of sub-sections (1) (a) and (2) of this section, the total number of votes secured by a political party shall be computed by adding the total number of votes obtained in the preceding general election by a political party in the election for the President, Members of the National Assembly, State Governors and Members of State Assemblies.

37. Utilization of the Fund

(1) Money allocated to a registered political party from the Fund shall be used for purposes compatible with democracy including:

(a) Promoting the representation of women, persons with special needs and youth in the Transitional National Legislative Assembly and the State Assemblies;

(b) promoting active participation by individual citizens and persons with special needs in political life;

(c) covering the election expenses of the political party and the broadcasting of the policies of the political party;

(d) the organisation by the political party of civic education in democracy and other electoral processes;

(e) bringing the political party's influence to bear on the shaping of public opinion; and

(f) administrative and staff expenses of the political party which shall not be more than thirty per cent of the moneys allocated to the political party:

- (2) Notwithstanding the provision of sub-section (1) of this section, not less than thirty percent 30% of the moneys allocated to a political party under section 36 of this Act shall be used for the purposes referred to in sub-section (1) (a) of this section.
- (3) The moneys allocated to a political party shall not be used for any other purposes other than those specified in this Act.
- (4) Moneys allocated to a political party from the Fund shall not be used:
 - (a) for paying directly or indirectly remuneration, fees, rewards, allowances or any other benefit to a member or supporter of the political party, other than a member of staff;
 - (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 officials;
 - (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 immovable property; or
 - (d) for any other purpose incompatible with the promotion of a multiparty democracy and the electoral processes, or with the Constitution.
- (5) A political party shall ensure accountability and transparency in its procurement processes.
- (6) A political party shall within ninety (90) days of the end of its financial year publish in the gazette or at least two daily newspapers with nationwide circulation the amount of money received from the Fund and its expenditure.
- (7) A person or political party that contravenes the provisions of this section commits an offence under this Act.
- (8) Notwithstanding the provisions of sub-section (7) of this section, a political party that fails to comply with the provisions of this section, shall during the period of non-compliance, be disqualified from receiving money from the Fund.

2. Section 23 (2) in the Act is amended by deleting and substituting it with:

38. Business

- (1) A political party shall not carry on business activities in its name.
- (2) Notwithstanding the provisions of this Chapter, a political party may invest in cultural activities, own property, newspapers and participate in mass media activities.

Chapter VIII

General Provisions

26. Section 29 (3) in the Act is amended by deleting and substituting and further adding new sub-sections (3), (4), (5) and (6):

44. Resolution of Disputes

- (3) Disputes between:
 - (a) the members of a political party;
 - (b) a member of a political party and a political party; and
 - (c) disputes arising out of party primariesshall in the first instance be heard and determined by a political party provided that a person aggrieved by the decision of a political party may appeal to the Council.
- (4) The Council shall hear and determine:
 - (a) disputes between political parties;
 - (b) disputes between an independent candidate and a political party; and
 - (c) disputes between coalition partners.
- (5) A party aggrieved by the decision of the Council in sub-section (4) of this section may apply for review by the Court and its decision shall be final.
- (6) The procedure for determination of disputes shall be provided by regulations issued under this Act.

27. New sections 45, 46 and 47 are added in the Act and subsequent sections re-numbered accordingly:

45. Property of a De-registered Political Party

- (1) The Secretary General of the Party shall, upon de-registration of a political party or its declaration as a prohibited organization under any law, notify the Council.

- (2) The Council shall upon receipt of such notice, make an application to the High Court for the winding up and dissolution of that political party and the disposition of the property, assets, rights and liabilities of the political party.
- (3) The Council shall make such orders as it appears to it to be just and equitable in the circumstances.

46. Immunity of Members of the Council

No criminal proceedings shall be taken against member of the Council for actions committed or omitted in the course of duties pursuant to this Act except in cases where the police have powers to arrest without warrant.

47. Penalties

A political party that contravenes any provision of this Act commits an offence and a person convicted of an offence under this Act for which no penalty is prescribed shall be liable:

- (1) in the case of a political party, to a fine not exceeding One Hundred Thousand(100,000) South Sudanese Pounds; or
- (2) in the case of a member of a political party on conviction, to a fine not less than One Hundred Thousand(100,000) South Sudanese Pounds or imprisonment for a term of not less than two years, or both.
- (3) Notwithstanding the provisions of sub-section (1) of this section, the Council shall review the amount of the fine provided under sub-section (1) of this section annually.

28. The Oath of Office and Assent of the President of the Republic of South Sudan in the Act shall be amended by adding and substituting to read as follows:

48. Oath of Office.

Prior to assuming office, the Chairperson, Deputy Chairperson and members of the Political Parties Council shall take the following oath of office before the President of the Republic:

"I,..... having been appointed to the Political Parties Council, swear by Almighty God/solemnly affirm to abide by the Transitional Constitution of the Republic of South Sudan, 2011 (Amended) and the law. I shall be faithful, truthful and shall perform my duties honestly and impartially, "so help me God."

Assent of the President of the Republic of South Sudan

In accordance with the provision of Article 85 (1) of the Transitional Constitution of the Republic of South Sudan, 2011 (as amended) I, Salva Kiir Mayardit, President of the Republic of South Sudan, do hereby Assent to the Political Parties Act, 2012 (Amendment) Act, 2022 and sign it into law.

Signed under my hand in Juba, this.....day of the month ofin the year 2022.

Salva Kiir Mayardit
President
Republic of South Sudan
Juba.

