FINANCING OF POLITICAL PARTIES AND ELECTION CAMPAIGNS IN ESTONIA

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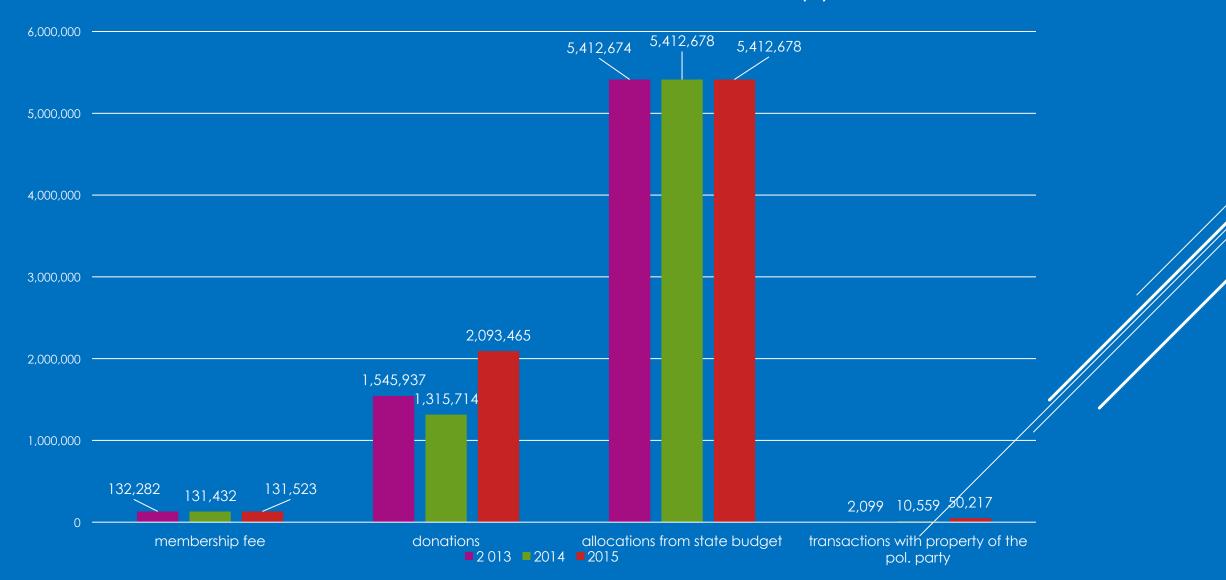
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FINANCING OF A POLITICAL PARTY IN ESTONIA IS REGULATED BY THE POLITICAL PARTIES ACT

Sources of income of a political party in Estonia:

- membership fees;
- 2) allocations from the state budget;
- 3) donations;
- 4) transactions with the property of the political party
- § A political party may also enter into a loan contract, but only if the lender is a credit institution and the lending and borrowing takes place on market conditions

Sources of Income of Political Parties 2013-2015 (€)



DONATIONS TO A POLITICAL PARTY

Donations – financially assessable benefit, including a service, but not voluntary work, given voluntarily by a natural person, who is:

- § A citizen of the Republic of Estonia or
- § Has the permanent right of residence or
- § Has the status of a long-term resident in Estonia

The donation has to be given out of the persons assets to a political party or a member thereof for the purpose of supporting the activities of the political party.

PROHIBITED DONATIONS

- § anonymous donations;
- § donations by legal persons;
- § the transfer or the granting of use of goods, services or proprietary rights to a political party on conditions not available to other persons;
- § release from ordinary binding duties or obligations;
- § waiver of claims against a political party;
- § payment of the expenses of a political party by third parties for the political party or making concessions to the political party, unless the payment of such expenses or the making of such concessions is also available to other persons in ordinary economic activities;
- § donation made via a natural person and at the expense of the assets of a third party;
- § donations by aliens, except for donations by persons holding the permanent right of residence or the status of a long-term resident in Estonia

CONSEQUENCES OF ACCEPTING PROHIBITED DONATION

- § Returning the prohibited donation to the donator
- § Transferring the monetary donation to the state budget
- § Selling a non-monetary prohibited donation at the market price and transferring the income to the state budget

In case a prohibited donation has not been returned to the donator or transferred to the state budget, the political parties surveillance committee will make a precept requesting respectively the beforementioned

POLITICAL PARTIES FINANCING SURVEILLANCE COMMITTEE

- § The committee consists of member appointed by:
 - 1) The Chancellor of Justice
 - 2) The Auditor General
 - 3) The National Electoral Committee
 - 4) political party represented in the Parlament, who is not a member of the Parlament or the Government of the Republic
- § The committee verifies whether political parties, election coalitions and single candidates adhere to the requirements provided for in the Political Parties Act

POLITICAL PARTIES FINANCING SURVEILLANCE COMMITTEE

- § the Committee makes a precept if the obligated person:
 - 1) Has not submitted a report required in the Political Parties Act or if the report contains deficiencies
 - 2) Has failed to return a prohibited donation
 - 3) Has not recognised an accepted donation
 - 4) Has not transferred a prohibited donation to the state budget
 - 5) Has failed to submit the documents required by the Political Parties Act
 - 6) Has failed to submit a Document requested by the committee by the prescribed date
- § In event of failure to comply with a precept the committee may impose a coercive payment up to 15 000 euros

POLITICAL PARTIES FINANCING SURVEILLANCE COMMITTEE

- § Before the committee was formed, the political parties disclosed their donations on their webpage
- § Since 2011 the political parties submit that information to the committee which will be published on the committees website
- § The political parties draw up a quarterly report on the revenues earned, loans obtained and expenses. The parties also submit an accounting printout of its payable bills and the balance sheet
- § The committee also supervises the annual report of the political parties

POLITICAL PARTY EXPENSES AND ELECTION CAMPAIGNS

Since 2014 the political parties no longer submit election campaign reports:

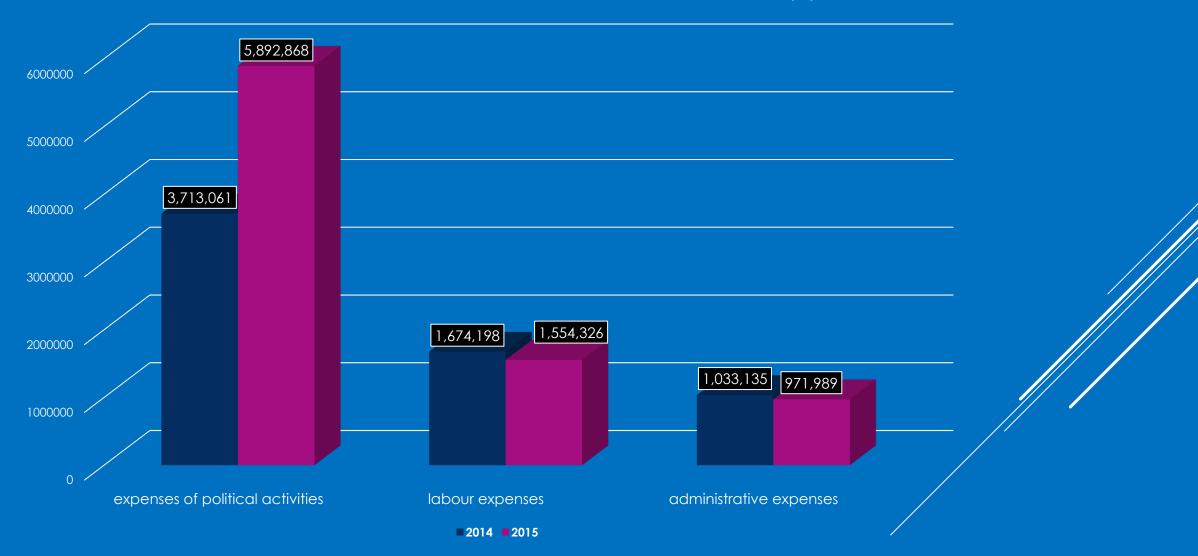
- § The expenses assessed as campaign expenses was up to the parties
- § The assessment of the duration of a campaign was also up to the parties
- § This resulted in uncomparability of the expenses submitted to the committee

POLITICAL PARTY EXPENSES AND ELECTION CAMPAIGNS

Political parties now submit a quarterly report divided into the following categories:

- Expenses of political activities:
 - advertising by type television, radio, online, outdoor, newspaper advertising, printed adverting materials;
 - public relations;
 - publications;
 - public events;
 - other expenses
- ▶ Labour expenses
- Administrative expenses

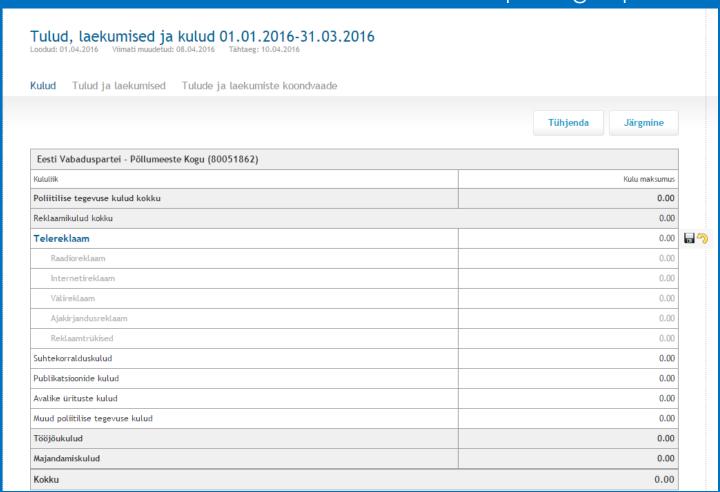
Expenses of parliamentary political parties 2014-2015 (€)



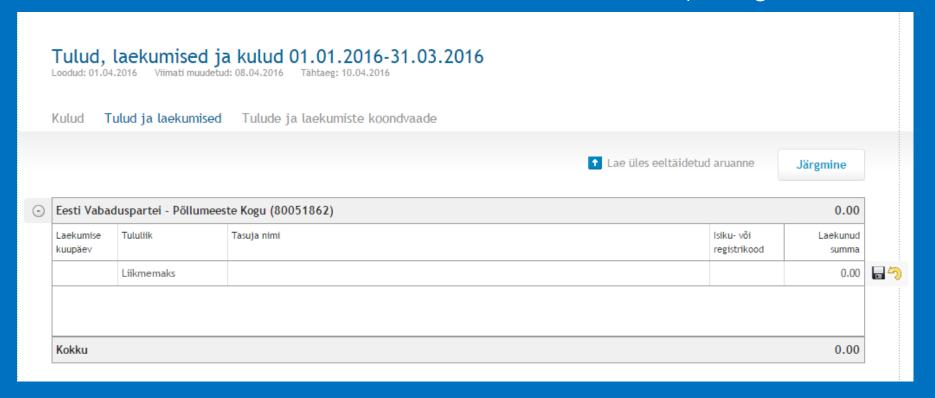
► Entering the reporting system is possible by identifying the entitled person with an ID-card or a Mobile ID



Reporting expenses



Reporting revenues



The submitted reports are then published on the committees website, where various data inquiries can be made:

http://www.erjk.ee/et/aruanded/tulude-ja-laekumiste-paringud

EXAMPLES AND PENDING CASES

- § In the last five years the committee has made precepts to return a prohibited donation to the donator or to transfer to the state budget in a sum of 175 909,29 euros.
- § 40 758,60 euros of this has been returned to the donators or transferred to the state budget
- § The returning of the remaining 135 150,69 euros are to be decided by the judges, since the precepts have been contested in court. Some of the following examples are among the latter.

During the 2013 the local government council elections few municipality officials used the local government budget to fund their election campaign.



Photo: Mihkel Maripuu, Postimees



Photo: Rauno Volmar

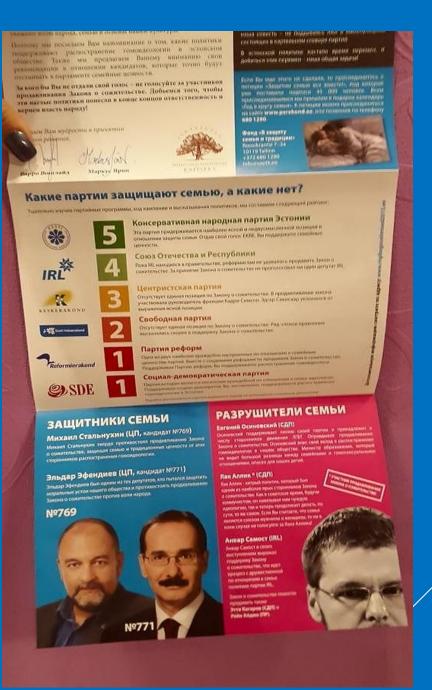
BREACH OF THE POLITICAL PARTIES ACT AS A CRIMINAL OFFENCE AND MISDEMEANOUR

- § Most breaches of the Political Parties Act are also stated as misdemeanours, which are conducted by the police prefectures:
 - § Failure to inform of current account
 - § Failure to inform of affiliated organisation of political party
 - § Failure to perform reporting obligation
 - § Making and accepting prohibited donations
 - § Provision of false information and incorrect information
- § Penalties for these misdemeanours are up to 300 fine units for natural persons and up to 15 000 euros for legal persons
- § In case of a misdemeanour, the committee will report it to the police

THE FOUNDATION FOR THE PROTECTION OF FAMILY AND TRADITION CASE

- § Before the Parliament elections in 2015 Foundation for the Protection of Family and Tradition had a campaign inciting to vote for certain candidates.
- § The foundation did not cooperate with the committee and refused to give any information about the campaign.
- § In August 2015 the committee informed the police of a misdemeanour (making a prohibited donation).





THE FOUNDATION FOR THE PROTECTION OF FAMILY AND TRADITION CASE

- § The Police did not start a misdemeanour procedure. They fount that:
 - § The publications presented the values the foundation stands for
 - § All the big political parties were presented on the publications
 - § The publications were just to inform people about which parties are for and which are against the values the foundation stands for
 - § The publication did not prefer any of the parties and it did not give anyone an advantage on the elections

BREACH OF THE POLITICAL PARTIES ACT AS A CRIMINAL OFFENCE AND MISDEMEANOUR

- § Making of and accepting a large-scale prohibited donation is a criminal offence in which case criminal proceedings are commenced by the Prosecutor's Office
- § The committee has also reported the usage of local government budget on the 2013 local government council elections as a criminal offence (embezzlement)