

ELECTION ACT OF THE GAMBIA

PART VIII REGISTRATION AND CONDUCT OF POLITICAL PARTIES

Participation of
Political parties in election

104. (1) The conduct of elections to an elective office in accordance with the Constitution and this Act shall be based on party politics.

(2) Notwithstanding subsection (1), any person who is qualified to be registered as a voter under the Constitution and this Act may contest as a independent candidate in any election.

(3) The number of political parties shall not be limited by law and every citizen of The Gambia shall have the right freely to choose whether or not he or she becomes a member of a political party and which party he or she supports.

(4) A political party shall not be formed on sectional, religious, ethnic or regional basis.

(5) Every political party shall conform to democratic principles, and its actions and purposes shall not contravene or be inconsistent with the Constitution or any laws.

(6) A political party shall be required to-

(a) as occasion may require, declare to the Commission and the public, its revenues and assets and the source of its revenue and assets,

(b) publish annually its audited accounts and to lodge a copy with Commission.

Registration of political
Parties

105. (1) The Commission shall, on the written application of a political party in the prescribed form, register the party, if the Commission is satisfied that-

(a) It is the principal object of that political party to participate in an election under this Act, including the-

- (i) nomination of persons as candidates for election;
 - (ii) canvassing for votes for a candidate at the election, and
 - (iii) the devotion of any of its funds or any part of it to the election expenses of any candidate taking part in the elections;
- (b) internal organisation of the political party conforms to democratic principles;
- (c) purposes and actions of the political party do not contravene or are not inconsistent with the Constitution or other laws; and
- (d) political party has a national character and is not formed on any sectional, religious, ethnic or regional basis.

(2) The application shall be accompanied by-

- (a) the political party's constitution;
- (b) the political party's name and full address
- (c) the names and addresses of all the registered officers of the political party;
- (d) the full address of the political party's secretariat;
- (e) the political party's emblem, colour, motto and symbol which shall have no ethnic, religious or regional connotation;
- (f) a declaration signed by at least five hundred members of the political party whose names appear in the register of voters to the effect that such voters support the registration of the political party and seek its registration as a political party;

- (g) such fee as the Commission may determine; and
- (h) a written undertaking that the political party shall abide by the code on election campaign ethics which the Commission may from time to time prepare.

Political parties to notify
Commission of change

106. (1) if a change occurs in relation to-

- (a) the name, emblem, colour, motto, symbol or address of a political party, or
- (b) the secretariat of registered officers of a political party

the political party shall notify the Commission in writing of the change within thirty days after the date on which such change has occurred.

(2) If the Commission determine that the name, emblem, colour, motto or symbol of a political party-

- (a) violates the provisions of this section, or
- (b) is identical to the name, emblem, colour, motto or symbol of any other political party or so closely resembles it that voters may be misled or confused by it;

the Commission shall so notify the political party which shall change such name, emblem, colour motto or symbol within ten days of receipt of the notification.

(3) Where the political party fails to comply with a notification issued under subsection (2), the Commission shall deny registration to the party or where the party is already registered, de-register the party.

Submission of manifesto

107. At or prior to the time a political party submits a nomination for any election, it

shall submit to the Commission a copy of the party's manifesto which shall contain-

- (a) written commitment of the party to encourage the growth of the spirit of tolerance and multiculturalism amongst the inhabitants of The Gambia;
- (b) evidence that the party is not based on religious, cultural or ethnic lines or on any consideration which may induce divisive political activity or promotion of unpatriotic and non-national interests;
- (c) a commitment to provide opportunities for its members to benefit from Government's programme of civic and member education; and
- (d) a clear cut explanation of the party's programme for national development.

Cancellation of registration

108. Without prejudice to section 106 (3), the Commission shall cancel the registration of a political party if it is-

- (a) notified in writing signed by a majority of the registered officers of the political party that the political party has, by resolution, dissolved or is going to be dissolved on a date which shall be specified in such resolution; or
- (b) proved to the satisfaction of the Commission that the political party has at any time after its registration failed to comply with any of the provisions of this part.

Appeal

109. (1) A political party which is aggrieved by a decision of the Commission to deny it registration or to de-register it may, within fourteen days of such denial or de-registration, appeal to the Court.

(2) The decision of the Court may be appealed against to the Court of Appeal whose decision shall be final.