

NB: Unofficial translation
Legally binding only in Finnish and Swedish
Ministry of Justice, Finland

Act on a Candidate's Election Funding
(273/2009)

Section 1 – *Scope of application and purpose*

- (1) This Act lays down provisions on candidate's election funding and its disclosure in parliamentary elections, a Presidential election, municipal elections and European Parliamentary elections.
- (2) The purpose of this Act is to increase the transparency of election funding, provide information on the candidates' potential ties to third parties, and to restrain the increase in the cost of election campaigns.

Section 2 – *Candidate's election funding*

- (1) For the purposes of this Act, *election funding* means the funding raised to cover the costs of the candidate's election campaign incurred over a period starting no earlier than six months before the election day and ending no later than two weeks after the election day irrespective of when such costs are paid.
- (2) A candidate's election funding may consist of:
 - 1) the candidate's own funds and any loans taken out by the candidate for the campaign;
 - 2) campaign contributions received by the candidate, his or her support group or other entity operating exclusively for the purpose of promoting the candidate; and
 - 3) other campaign contributions.

Section 3 – *Calculation of the value of the campaign contributions*

- (1) Campaign contributions received in the form of money, goods, services or other performances are deemed to constitute election funding. However, ordinary voluntary work and free services are not regarded as campaign contributions.
- (2) All disclosures of election funding are to be reported in gross amounts.
- (3) The value of campaign contributions provided in forms other than money is to be estimated and the contributions reported as cash amounts.
- (4) All campaign contributions received from the same donor are to be added up and reported as a single campaign contribution item.

Section 4 – *Limitations on election funding received by a candidate*

- (1) No candidate, his or her support group or other entity operating exclusively for the purpose of promoting the candidate may accept any campaign contributions unless the donor can be identified. However, this does not apply to campaign contributions received as a result of ordinary fund-raising activities.
- (2) No candidate, his or her support group or other entity operating exclusively for the purpose of promoting the candidate may accept campaign contributions from a single donor in excess of 3,000 euros in municipal elections, 6,000 euros in parliamentary elections and 10,000 euros in the European Parliamentary elections. However, this limitation does not apply to campaign contributions received from the registered associations of political parties.

Section 5 – *Disclosure obligation*

- (1) An election funding disclosure is to be filed by:
 - 1) a member of Parliament elected in parliamentary elections and an alternate member appointed upon confirmation of the election results;
 - 2) the political party nominating a candidate for a Presidential election and the polling representative of the constituency association nominating a candidate or their alternate;

- 3) a council member and an alternate member elected in municipal elections; and
- 4) a member of the European Parliament elected in the European Parliamentary elections and an alternate member appointed upon confirmation of the election results.

Section 6 – *Information to be disclosed*

- (1) The election funding disclosure must identify:
 - 1) the election(s) involved;
 - 2) the candidate's name, title, occupation or position; the name of the party nominating the candidate or an indication that the candidate was nominated by a constituency association; the candidate's electoral district in parliamentary elections; and the municipality in which the candidate ran for office in municipal elections;
 - 3) the total election campaign costs accompanied by an itemized list of promotional expenditure for advertisements in newspapers, free newspapers, periodicals, radio, television and data networks, and other communications media; outdoor advertising; the production of self-published campaign newsletters, brochures and other printed matter; campaign planning; the organization of rallies; and other expenditure;
 - 4) the total election funding accompanied by an itemized list of the candidate's own funds; loans taken out; and all campaign contributions received by the candidate, his or her support group or other entity operating exclusively for the purpose of promoting the candidate, grouped into campaign contributions from private individuals, companies, the registered associations of political parties and other sources; and
 - 5) any other information on election funding and campaign costs that the discloser deems appropriate.
- (2) Each individual campaign contribution and its donor must be disclosed separately, if the value of such contribution exceeds 800 euros in municipal elections, 1,500 euros in parliamentary elections or 2,000 euros in European Parliamentary elections or a Presidential election. If such a contribution is made by purchasing identifiable goods or services or otherwise for consideration, only the net value of such contribution is to be disclosed separately.
- (3) If the candidate, his or her support group or other entity operating exclusively for the purpose of promoting the candidate has taken out a loan to cover the costs of the election campaign, the disclosure must be accompanied by a repayment plan for such a loan.
- (4) The name of a private individual may not be disclosed without his or her express consent if the amount donated is lower than the amount specified in subsection 2.

Section 7 – *Liability for the disclosure*

- (1) Liability for the accuracy of the disclosure will rest with the discloser.

Section 8 – *Filing the election funding disclosure*

- (1) The election funding disclosure must be filed with the National Audit Office of Finland within two months of the confirmation of the election results.
- (2) Filing of the disclosure can be done by using the form approved by the National Audit Office.
- (3) The disclosers are required, upon request, to provide supplementary information and reports, in the form of campaign bank statements or other such records, as may be necessary in order to verify the accuracy and completeness of the disclosure.

Section 9 – *Provision of information by the Ministry of Justice*

- (1) The Ministry of Justice is required to release, free of charge, to the National Audit Office the information contained in the national register of candidates referred to in section 43 of the Election Act (714/1998 Vaalilaki); and a list of the disclosers promptly upon confirmation of the election results in connection with parliamentary, municipal elections and European Parliamentary elections, and promptly upon completion of the nomination of the candidates in connection with a Presidential election.

Section 10 – *Supervisory duties of the National Audit Office*

- (1) Compliance with the disclosure obligation is to be overseen by the National Audit Office of Finland. To this end, the National Audit Office must:
 - 1) verify that all disclosers have filed the election funding disclosure required under this Act;
 - 2) make all the funding disclosures received available to the public without delay; and
 - 3) if necessary, after examining the funding disclosures, urge a discloser to file a new disclosure, provide additional information to supplement the disclosure, or to provide information corroborating the accuracy and completeness of the disclosure.
- (2) If the discloser fails to file the funding disclosure required hereunder despite a reminder to do so issued by the National Audit Office, or if the funding disclosure is found to be inaccurate or incomplete in essential parts, the National Audit Office may require the discloser to file the disclosure or correct an error or provide the missing information on pain of a penalty payment. Any penalty payment will be imposed by the penalty payment board referred to in section 15 of the Act on the National Audit Office of Finland (676/2000 Laki valtionalouden tarkastusvirastosta). A decision to impose or enforce a penalty payment may be appealed to the Supreme Administrative Court as provided in the Administrative Judicial Procedure Act (586/1996 Hallintolainkäyttölaki).
- (3) For every election, the National Audit Office must, within eight months of the confirmation of the election results, give Parliament a report on the election funding disclosures received and the Office's activities in enforcing compliance with the disclosure obligation.

Section 11 – *Advance disclosure*

- (1) A candidate and a political party nominating a Presidential candidate and the polling representative of a constituency association nominating a candidate may file an advance disclosure with the National Audit Office containing an estimate of campaign funding and costs before the election day but no earlier than after the completion of the master list of candidates, or the list of candidates in the case of a Presidential election.
- (2) The National Audit Office is required make the advance disclosures available to the public without delay.

Section 12 – *Election funding register and public access*

- (1) The National Audit Office is required to maintain a register of election funding disclosures in which information related to the disclosures and advance disclosures is stored. Notwithstanding the provisions of section 16(3) of the Act on the Openness of Government Activities (621/1999 Laki viranomaisten toiminnan julkisuudesta), every individual will have the right to obtain copies of the register entries and information via public data networks.
- (2) Information relating to parliamentary and municipal elections is to remain available in a public data network for a period of five years; information relating to European Parliamentary elections for six years; and information relating to a Presidential election for seven years from the date of confirmation of the election results. Advance disclosures filed by parties other than the disclosers defined in section 5 are to remain available in a public data network for a period of 30 days from the date of confirmation of the election results.
- (3) Storage of the disclosures and advance disclosures and the information stored in the election funding register and access to the register are governed by the provisions of the Archives Act (831/1994 Arkistolaki) and the Act on the Openness of Government Activities (621/1999 Laki viranomaisten toiminnan julkisuudesta).

Section 13 – *Entry into force*

- (1) This Act enters into force on 1 May 2009.
- (2) This Act repeals the Act of 12 May 2000 on the Disclosure of Election Financing (414/2000 Laki ehdokkaan vaalirahoituksen ilmoittamisesta), as amended.
- (3) Instead of section 2(1) and sections 4 and 6 of the present Act, the 2009 elections to the European Parliament will be governed by subsections 3(1) and 3(2) of the repealed Act as they are formulated in Act 604/2008 (Laki ehdokkaan vaalirahoituksen ilmoittamisesta annetun lain 3 §:n

muuttamisesta). The provisions of section 8(3) of this Act will only apply to elections held after the 2009 European Parliamentary elections.

- (4) Measures necessary for the implementation of this Act may be undertaken before the Act's entry into force.