

## Translation

NOTE: As a consequence of the government restructuring following the general election on 13 November 2007, the Ministry of the Interior and Health, under whose auspices the election legislation had hitherto belonged, was closed down and its fields of responsibility were transferred to the new Ministry of Social Welfare. Hence, where the following translation refers to the Minister for the Interior and Health, the tasks and duties are now the responsibility of the Minister for Social Welfare to perform.

*Consolidated Act No. 1291 of 8 December 2006*

# Grants to Political Parties (Consolidation) Act

## *General Provisions*

1.-(1) The purpose of the Act is to support political work in Denmark at the national, regional and local level.

2) In this Act political work means any activity intended to promote the election in Denmark of one or more candidates or to promote a particular result of a referendum in Denmark by

- (i) propagating particular political views;
- (ii) establishing and running organisations;
- (iii) co-operating with other organisations; or
- (iv) acting in other ways.

(3) Grants provided under this Act shall be expended on political work in Denmark for the benefit of the grant recipient's organisation or its members or for the benefit of other organisations in or outside the relevant area or for the benefit of the electorate in the relevant area.

(4) To the extent grants are expected to be provided or have been provided for political work under other statutory provisions the expenses of this work shall not be included in reporting under this Act on the expenses which are expected to be defrayed or which have been defrayed in respect of political work. Similar rules shall apply to the extent other grants provided under this Act are expected to be expended on or have been expended on political work.

## *Bodies Entitled to Grants and Size of Grants*

2.-(1) A party which participated in the most recently held general election shall be entitled to receive a grant in support of the party's political work in Denmark. The annual grant amounts to DKK 22.30 for each vote cast in favour of the party at the election, cf. however subsection (3).

(2) A candidate who stood as an independent candidate at the most recently held general election shall be entitled to receive a grant in support of his or her political work in Denmark. The annual grant amounts to DKK 22.30 for each vote cast in favour of the candidate at the election, cf. however subsection (3).

(3) No grant shall be provided for parties and independent candidates in whose favour fewer than 1,000 votes were cast at the election.

3.-(1) A list of candidates which participated in the most recently held regional election shall be entitled to receive a grant in support of the political work conducted by the list of candidates in the region. The annual grant amounts to DKK 2.50 for each vote cast in favour of the list of candidates at the election, cf. however subsections (2) and (3).

(2) No grant shall be provided for lists of candidates in whose favour fewer than 500 votes were cast at the election, cf. however subsection (3).

(3) Grants shall be provided, irrespective of the provision in subsection (2), to lists of candidates which entered into a list coalition under the Local and Regional Government Elections Act, if 500 votes or more were cast in favour of the list coalition.

**4.-**(1) A list of candidates which participated in the most recently held local election shall be entitled to receive a grant in support of the political work conducted by the list of candidates in the municipality. The annual grant amounts to DKK 4 for each vote cast in favour of the list of candidates at the election, cf. however subsections (2) and (3).

(2) No grants shall be provided for lists of candidates in whose favour fewer than 100 votes, in the City of Copenhagen 500 votes, have been cast at the election, cf. however subsection (3).

(3) Grants shall be provided, irrespective of the provision in subsection (2), for lists of candidates which entered into a list coalition under the Local and Regional Government Elections Act, if 100 votes, in the City of Copenhagen 500 votes, or more were cast in favour of the list coalition.

**4a.-**(1) The amounts specified in sections 2(1) and (2), 3(1) and 4(1) are adjusted each year on January 1st by 2.0 per cent which is added to or deducted from the adjustment percentage for the relevant fiscal year, cf. the Rate Adjustment Percentage Act. The amount resulting from this calculation shall be rounded up to the nearest amount divisible by DKK 0.25.

(2) The adjustment shall take place based on the amounts before rounding off prevailing at the time of adjustment.

#### *Government Grants*

**5.-**(1) Parties and independent candidates wishing to receive grants pursuant to section 2 shall submit an application for a grant to the Minister for the Interior and Health, who shall decide whether the conditions for providing such a grant are fulfilled.

(2) The application for a grant shall be submitted for each calendar year for which a grant is requested, and before the end of that calendar year. The application shall be signed by the president of the national party organisation or by the independent candidate as appropriate.

(3) Grant amounts shall be paid into the bank account stated by the national party organisation or the independent candidate in connection with the application.

**6.-**(1) Grants pursuant to section 2 are provided for one calendar year. Grants are provided for the first time for the calendar year following the calendar year in which the general election was held, cf. however subsection (2), and the last time for the calendar year in which the next general election is held.

(2) If the grant recipient did not participate in the preceding general election or at least 1,000 votes were not cast in his or her favour at that election, the grant pursuant to section 2 shall be provided for the first time for the remaining part of the calendar year in which the general election was held. The grant is provided as a proportional share of the annual amount of the grant counted from the end of the month in which the general election was held.

(3) Grants are distributed in one round, cf. however section 7(3) as soon as the Minister for the Interior and Health has ascertained that the conditions for allocation of the grants are fulfilled. However, grants shall not be disbursed for the relevant calendar year in advance.

**7.-**(1) Grants pursuant to section 2 shall be provided only to the extent the grant recipient expects to defray the expenses of political work in Denmark in the calendar year for which the grant is relevant.

(2) Allocation of a grant pursuant to section 2 shall be conditional on the grant recipient having submitted a declaration to the Minister for the Interior and Health, stating the minimum expenses expected to be defrayed in respect of political work in Denmark in the calendar year for which the grant is relevant. This declaration

must be submitted before the end of the calendar year for which the declaration is relevant. The second sentence of section 5(2) shall apply correspondingly to the submission of this declaration.

(3) If, in accordance with subsection (1), a grant has been provided by a smaller amount than the grant pursuant to section 2, a supplementary application may be submitted in the calendar year for which the grant is relevant. Grants by a supplementary application shall be provided only to the extent specified in subsection (1) and shall be conditional on the grant recipient having submitted a supplementary declaration as specified in subsection (2) to the Minister for the Interior and Health. A supplementary application and a supplementary declaration shall be submitted before the end of the calendar year for which the application and declaration are relevant. The second sentence of section 5(2) shall apply correspondingly to the submission of a supplementary application and to a supplementary declaration.

**7a.**(1) If the grant recipient has received grants pursuant to section 2 for one or more preceding calendar years, it is a condition for receiving the full grant, cf. section 7(1), for the relevant calendar year that the expenses defrayed in respect of political work in Denmark in the most recent calendar year in which a grant was received shall at least correspond to the full grant for that calendar year. This shall not apply, however, if the most recent calendar year in which a grant was received precedes the calendar year in which the previous general election was held.

(2) If the expenses defrayed in respect of political work in Denmark in the calendar year specified in subsection (1) correspond only in part to the full grant for that calendar year, an amount equal to the non-expended amount of the grant shall be deducted from the grant amount to be allocated in pursuance of section 2 for the relevant calendar year.

(3) If the grant recipient has received grants pursuant to section 2 for one or more preceding calendar years, the grant for the relevant calendar year, except in unique cases, shall be provided on the sole condition that the grant recipient has submitted a declaration to the Minister for the Interior and Health, stating the minimum expenses defrayed in respect of political work in Denmark in the most recent calendar year specified in subsection (1). This declaration must be submitted before the end of the relevant calendar year. The second sentence of section 5(2) shall apply correspondingly to the submission of this declaration.

**7b.**(1) For political parties comprised by section 3 of the Private Contributions to Political Parties and Publication of Political Parties Accounts Act grants provided pursuant to 2 of this Act shall be conditional on the most recent accounts that the party are obliged to publish under the Private Contributions to Political Parties and Publication of Political Parties Accounts Act having been submitted to the Minister for the Interior and Health and on the accounts containing the information required according to section 3 of the said act. The accounts must be submitted before the end of the calendar year for which a grant is requested.

(2) For the parties specified in subsection (1) a grant provided pursuant to section 2 shall also be conditional on an endorsement by a state-authorized or registered public accountant of the declaration specified in section 7a(3) certifying that the minimum expenses defrayed in respect of political work in Denmark in the most recent calendar year specified in section 7a(1) correspond to the amount specified in the declaration.

**7c.**(1) In pursuance of section 2 the Auditor General may require directly from the recipient of a grant that he or she hand over the accounting records regarding the grant provided under section 2 for scrutiny, which is considered by the Auditor General to be of importance to the review of the fulfilment of conditions for grants in pursuance of this Act and to the application of the grant being in proper compliance with this Act. Furthermore, except for sections 4, 6(1), 16, 17(3) and 18(2), the review shall be subject to the Public Accounts Audit Act in pursuance of the first sentence.

#### *Regional Grants*

**8.**(1) Lists of candidates wishing to receive grants pursuant to section 3 shall submit an application for a grant to the regional council, which shall decide whether the conditions for allocating such a grant are fulfilled.

(2) The application for a grant shall be submitted for each calendar year for which a grant is requested, and before the end of that calendar year. If according to section 44(1) of the Local Government Elections Act a report has been filed in identification of the association or voters in the region being entitled to apply for and receive grants on behalf of the list of candidates, the application shall be signed by a representative of the specified association or by one of the specified voters. In the absence of such a report, for lists of candidates for a party entitled to stand in the general election as at August 1st in the most recent regional election year, an application shall be signed by a representative of the appropriate party organisation. Applications for other lists of candidates, which did not file such a report, shall be signed by the person specified in section 25(3) of the Local Government Elections Act or by such other person who is entitled to act as a representative of the list of candidates.

(3) If, according to section 44(1) of the Local Government Elections Act a report has been filed in identification of the association or voters in the region being entitled to apply for and receive grants on behalf of the list of candidates, the grant amount shall be paid into the account of a bank in accordance with information stated in connection with the application by the specified association or by the person who, in compliance with the second sentence of subsection (2)(ii), signed the application. In the absence of such a report, the grant amount shall be paid into an account of a bank in accordance with information stated in connection with the application by the party organisation representing a list of candidates of a party being entitled to stand in the general election as at August 1st in the most recent regional election year. For other lists of candidates which did not file such a report the grant amounts shall be paid into an account of a bank in accordance with information stated in connection with the application by a person who in compliance with the fourth sentence of subsection (2)(iv) signed the application.

**9.-**(1) Grants pursuant to section 3 are provided for one calendar year. Grants are provided for the first time for the calendar year following the calendar year in which the regional council election was held, and the last time for the calendar year in which the next regional council election will be held.

(2) Grants are distributed in one round, cf. however section 10(3) as soon as the regional council has ascertained that the conditions for allocation of the grants are fulfilled. However, grants shall not be disbursed for the relevant calendar year in advance.

**10.-**(1) Grants pursuant to section 3 shall be provided only to the extent the grant recipient expects to defray the expenses of political work in the region in the calendar year for which the grant is relevant.

(2) Allocation of a grant pursuant to section 3 shall be conditional on the grant recipient having submitted a declaration to the regional council, stating the minimum expenses expected to be defrayed in respect of political work in the region in the calendar year for which the grant is relevant. This declaration must be submitted before the end of the calendar year for which the declaration is relevant. The second to fourth sentences of section 8(2) shall apply correspondingly to the submission of this declaration.

(3) If, in pursuance of subsection (1), a grant has been provided by a smaller amount than the grant according to section 3, a supplementary application may be submitted in the calendar year for which the grant is relevant. Grants by a supplementary application shall be provided only to the extent specified in subsection (1) and shall be conditional on the grant recipient having submitted a supplementary declaration as specified in subsection (2) to the regional council. A supplementary application and a supplementary declaration shall be submitted before the end of the calendar year for which the application and declaration are relevant. The second to fourth sentences of section 8(2) shall apply correspondingly to the submission of a supplementary application and to a supplementary declaration.

**10a.-**(1) If the grant recipient has received grants pursuant to section 3 for one or more preceding calendar years, it is a condition for receiving the full grant, cf. section 10(1), for the relevant calendar year that the expenses defrayed in respect of political work in the region in the most recent calendar year in which a grant was received shall at least correspond to the full grant for that calendar year. This shall not apply, however, if

the most recent calendar year in which a grant was received precedes the calendar year in which the previous regional council election was held.

(2) If the expenses defrayed in respect of political work in the region in the most recent calendar year specified in subsection (1) correspond only in part to the full grant for that calendar year, an amount equal to the non-expended amount of the grant shall be deducted from the grant amount to be allocated in pursuance of section 3 for the relevant calendar year.

(3) If the grant recipient has received grants pursuant to section 3 for one or more preceding calendar years, the grant for the relevant calendar year, except in unique cases, shall be provided on the sole condition that the grant recipient has submitted a declaration to the regional council, stating the minimum expenses defrayed in respect of political work in the region in the most recent calendar year specified in subsection (1). This declaration must be submitted before the end of the relevant calendar year. The second to fourth sentences of section 8(2) shall apply correspondingly to the submission of this declaration.

**10b.**-(1) Grants pursuant to section 3 shall be provided only to the extent the grant recipient has submitted a declaration to the regional council, stating whether the grant recipient, cf. also subsection (2), in the preceding calendar year from the same private benefactor has received one or more contributions which together exceed DKK 20,000. In such event the benefactor's name and address must be disclosed. Furthermore, the declaration must disclose the total amount of any anonymous contributions as well as the amount of any single anonymous contribution exceeding DKK 20,000. This declaration must be submitted before the end of the calendar year for which the grant is requested. The second to fourth sentences of section 8(2) shall apply correspondingly to the submission of this declaration.

(2) If the grant recipient is the regional organisation of a party covered by the third sentence of section 8(2), the disclosure of information specified in subsection (1) shall also include constituency organisations, if any, of the appropriate region.

#### *Local Grants*

**11.**-(1) Lists of candidates wishing to receive grants pursuant to section 4 shall submit an application for a grant to the local council, which shall decide whether the conditions for allocating such a grant are fulfilled.

(2) The application for a grant shall be submitted for each calendar year for which a grant is requested, and before the end of that calendar year. If according to section 44(1) of the Local and Regional Government Elections Act a report has been filed in identification of the association or voters in the municipality being entitled to apply for and receive grants on behalf of the list of candidates, the application shall be signed by a representative of the specified association or by one of the specified voters. In the absence of such a report, for lists of candidates for a party entitled to stand in the general election as at August 1st in the most recent local election year, an application shall be signed by a representative of the appropriate party organisation. Applications for other lists of candidates, which did not file such a report, shall be signed by the person specified in section 25(3) of the Local and Regional Government Elections Act or by such other person who is entitled to act as a representative of the list of candidates.

(3) If, according to section 44(1) of the Local and Regional Government Elections Act a report has been filed in identification of the association or voters in the municipality being entitled to apply for and receive grants on behalf of the list of candidates, the grant amount shall be paid into the account of a bank in accordance with information stated in connection with the application by the specified association or by the person who, in compliance with the second sentence of subsection (2), signed the application. In the absence of such a report, the grant amount shall be paid into the bank account stated in connection with the application by the party organisation representing a list of candidates of a party being entitled to stand in the general election as at August 1st in the most recent held local election year. For other lists of candidates which did not file such a report the grant amounts shall be paid into the bank account stated in connection with the application by a person who in compliance with the fourth sentence of subsection (2) signed the application.

**11a.**-(1) Grants pursuant to section 4 are provided for one calendar year. Grants are provided for the first time for the calendar year following the calendar year in which the local council election was held, and the last time for the calendar year in which the next local council election is held.

(2) Grants for a calendar year are distributed in one round, cf. however section 11b(3) as soon as the local council has ascertained that the conditions for allocation of the grants are fulfilled. However, grants shall not be disbursed in advance for the relevant calendar year.

**11b.**-(1) Grants pursuant to section 4 shall be provided only to the extent the grant recipient expects to defray the expenses of political work in the municipality in the calendar year for which the grant is relevant.

(2) Allocation of a grant pursuant to section 4 shall be conditional on the grant recipient having submitted a declaration to the local council, stating the minimum expenses expected to be defrayed in respect of political work in the municipality in the calendar year for which the grant is relevant. This declaration must be submitted before the end of the calendar year for which the declaration is relevant. The second to fourth sentences of section 11(2) shall apply correspondingly to the submission of this declaration.

(3) If, in pursuance of subsection (1), a grant has been provided by a smaller amount than the grant according to section 4, a supplementary application may be submitted in the relevant calendar year. Grants by a supplementary application shall be provided only to the extent specified in subsection (1) and shall be conditional on the grant recipient having submitted a supplementary declaration as specified in subsection (2) to the local council. A supplementary application and a supplementary declaration shall be submitted before the end of the calendar year for which the application and declaration are relevant. The second to fourth sentences of section 11(2) shall apply correspondingly to the submission of a supplementary application and to a supplementary declaration.

**11c.**-(1) If the grant recipient has received grants pursuant to section 4 for one or more preceding calendar years, it is a condition for receiving the full grant, cf. section 11b(1), for the relevant calendar year that the expenses defrayed in respect of political work in the municipality in the most recent calendar year in which a grant was received shall at least correspond to the full grant for that calendar year. This shall not apply, however, if the most recent calendar year in which a grant was received precedes the calendar year in which the previous local council election was held.

(2) If the expenses defrayed in respect of political work in the municipality in the most recent calendar year specified in subsection (1) correspond only in part to the full grant for that calendar year, an amount equal to the non-expended amount of the grant shall be deducted from the grant amount to be allocated in pursuance of section 4 for the relevant calendar year.

(3) If the grant recipient has received grants pursuant to section 4 for one or more preceding calendar years, the grant for the relevant calendar year, except in unique cases, shall be provided on the sole condition that the grant recipient has submitted a declaration to the local council, stating the minimum expenses defrayed in respect of political work in the municipality in the most recent calendar year specified in subsection (1). This declaration must be submitted before the end of the relevant calendar year. The second to fourth sentences of section 11(2) shall apply correspondingly to the submission of this declaration.

**11d.**-(1) Grants pursuant to section 4 shall be provided only to the extent the grant recipient has submitted a declaration to the local council, stating whether the grant recipient, cf. also subsection (2), in the preceding calendar year from the same private benefactor has received one or more contributions which together exceed DKK 20,000. In such event the benefactor's name and address must be disclosed. Furthermore, the declaration must disclose the total amount of any anonymous contributions as well as the amount of any single anonymous contribution exceeding DKK 20,000. This declaration must be submitted before the end of the calendar year for which the grant is requested. The second to fourth sentences of section 11(2) shall apply correspondingly to the submission of this declaration.

(2) If the grant recipient is the municipal organisation of a party covered by the third sentence of section 11(2), the disclosure of information specified in subsection (1) shall also include local party organisations, if any, of the appropriate municipality.

### *Complaints Provision*

**12.-**(1) Decisions made in pursuance of sections 8 to 11d may be brought before the Minister for the Interior and Health.

### *Other Provisions*

**13.-**(1) Grant amounts disbursed in pursuance of this Act shall not be included in the taxable income.

**14.-**(1) The grant expenditure in pursuance of section 2 shall be borne by the Treasury. The grant expenditure in pursuance of sections 3 and 4 shall be borne by the regions and the municipalities, respectively.

### *Penalty Provisions*

**14a.-**(1) Except where a more severe penalty is carried in pursuance of other legislation, any person submitting an incorrect declaration under sections 7(2) and (3), 7a(3), 10(2) and (3), , 10a(3), 11b(2) and (3) and 11c(3) shall be punishable by a fine or detention up to four months.

(2) Any person submitting incorrect or incomplete disclosure of information under sections 10b or 11d shall be punishable by a fine or detention up to four months.

(3) Party organisations (legal persons) may be subject to criminal liability under the rules of Part 5 of the Penal Code.

### *Commencement and Transitional Provisions*

**15.-**(1) This Act shall enter into force on 1 January 1987.

(2) (Omitted)

(3) (Omitted)

(4) (Omitted)

**16.-**(1) The provisions of sections 3, 4 and 8 to 12 shall not extend to the Faroe Islands and Greenland.

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Act No. 457 of 7 June 2001 contains the following commencement provisions and provisions for the Faroe Islands and Greenland:

2.-(1) The Act shall enter into force on 1 July 2001 and have effect for the first time on grants paid for the 2002 calendar year.

3.-(1) Section 1(v) to (ix) shall not extend to the Faroe Islands and Greenland.

(2) Section 1(x) shall not extend to the Faroe Islands and Greenland but may be enacted by royal assent wholly or partly for the Faroe Islands or Greenland, with the derogations which the special Faroese or Greenland conditions prescribe.

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Act no. 1048 of 17 December 2002 contains the following commencement provisions:

2.-(1) The Act shall enter into force on 1 January 2003.

(2) The provision in section 1(i) shall have effect for the first time on grants paid for the 2005 calendar year. The grant specified in section 1(i) shall be regulated for the first time on 1 January 2004 as stated in section 4a of the Grants to Political Parties (Consolidation) Act.

(3) For grants paid for the 2003 calendar year, the annual grants stated in section 1(i) amount to DKK23.30. For grants paid for the 2004 calendar year, the annual grants stated in section 1(i) amount to DKK22.80.

(4) The grant stated in the second sentence of subsection (3) shall be regulated on 1 January 2004 as stated in section 4a of the Grants to Political Parties (Consolidation) Act.

Act no. 537 of 24 June 2005, which in Part 5 changes, inter alia sections 1, 3, 4, 8-10, 10a, 10b, 11 and 14 and the headline above section 8 contains the following commencement and transitional provisions:

85.-(1) The Act shall enter into force after publication in the Official Gazette (?). However, section 37 and Part 5 shall enter into force on 1 January 2007.

Sections 86-98 (Omitted)

90.-(1) Changes in the Grants to Political Parties (Consolidation) Act, cf. section 80, shall have effect on grants paid for the 2007 calendar year and later calendar years. Grants from regional and local authorities for the 2007, 2008 and 2009 calendar years shall be paid based on the number of votes cast in the regional and local council elections on 15 November 2005.

(2) Grants from counties and municipalities for the 2006 calendar years shall be paid according to the rules laid down in the Grants to Political Parties (Consolidation) Act before 1 January 2007 based on the number of votes cast in county and municipal council elections on 20 November 2001. Grants from municipalities not included in the amalgamation on 1 January 2007 shall, however, be paid for the 2006 calendar year according to the rules laid down in Grants to Political Parties (Consolidation) Act before 1 January 2007 based on the number of votes cast in the specified local council elections on 15 November 2005.

91.-1 (Omitted)

Minister for the Interior and Health, 8 December 2006

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