The February 12, 2015

BILL

Act No. 88-227 of the March 11, 1988 relative to the financial transparency of political life.

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Consolidated Version at February 12, 2015

TITLE I: PROVISIONS RELATING TO THE DECLARATION OF THE HERITAGE OF THE MEMBERS OF THE GOVERNMENT AND OF HOLDERS OF CERTAIN elective offices.

Article 1 (repealed)

- As amended by Act No.95-126 8 February 1995 - s. 1
- Repealed by Act No.2013-907 the October 11, 2013 - s. 30 (V)

Article 3 (repealed)

- As amended by Act No.2011-412 the April 14, 2011 - s. 22
- Repealed by Act No.2013-907 the October 11, 2013 - s. 30 (V)

Article 4 (repealed)

- As amended by Act No.2011-412 the April 14, 2011 - s. 23
- Repealed by Act No.2013-907 the October 11, 2013 - s. 30 (V)

Article 5 (repealed)

- As amended by Act No.95-126 8 February 1995 - s. 6
- Repealed by Act No.2013-907 the October 11, 2013 - s. 30 (V)

Article 5-1 (repealed)

- Created by Law no.2011-412 the April 14, 2011 - s. 24
- Repealed by Act No.2013-907 the October 11, 2013 - s. 30 (V)

Article 6

Has amended the following provisions:

- Amended electoral Code - s. L167 (M)

TITLE III: PROVISIONS RELATING TO POLITICAL PARTIES AND GROUPINGS AND THEIR FINANCING.

Article 7

The political parties and groupings are formed and exercise their activities freely. They have legal personality.

They have the right to sue.

They have the right to acquire by gratuitous or onerous title of movable or immovable property: they can perform all the acts consistent with their mission and in particular to create and administer of newspapers and training institutes in accordance with the provisions of the laws in force.

Article 8

· As amended by Act No.90-55 of the January 15, 1990 - s. 10 JORF January 16, 1990

The amount of the appropriations entered in the finance bill of the year to be allocated to the financing of political parties and groupings, may, on the part of the Offices of the National Assembly and the Senate, to be the subject of joint proposals to the Government.

This amount is divided in two equal portions:

1° A first fraction for the funding of political parties and groupings according to their results in the elections to the National Assembly;

2° A second fraction specifically intended for the financing of political parties and groupings represented in Parliament.

Article 9

· As amended by Act No.2013-907 the October 11, 2013 - s. 14

The first fraction of the aid provided for in article 8 is assigned:

- Either to the political parties and groupings which have presented during the most recent renewal of the National Assembly of the candidates having received each at least 1 per cent of the votes cast in at least fifty constituencies ;

- Either to the political parties and groupings which have presented candidates during the most recent renewal of the National Assembly that in one or several territorial communities falling under articles 73 or 74 of the Constitution or in New Caledonia and whose candidates have each obtained at least 1 per cent of the votes cast in all the constituencies in which they are presented.

The allocation is made in proportion to the number of votes obtained in the first round of these elections by each of the parties and groups in question. It is not taken account of the votes obtained by the candidates declared ineligible under article L. O. 128 of the electoral code.

In view of the distribution provided for in the preceding paragraphs, the candidates in the election of members indicate, if there is a place, in their declaration of candidacy, the political party or group which they relate. This party or grouping may be chosen on a list established by decree of the minister of the Interior published in the Official Journal of the French Republic not later than the fifth Friday preceding the day of the vote, or outside of this list. The list includes all the political parties or groups who have filed at the Ministry of the interior to the later to ten-eight hours the sixth Friday preceding the day of the ballot an application for the benefit of the first fraction of the aid provided for in article 8.

The second fraction of these aids is attributed to political parties and groupings beneficiaries of the first fraction referred to above in proportion to the number of members of Parliament who have declared at the office of their assembly, during the month of November, be enrolled or attach.

Each member of the Parliament may not indicate that a single political party or group for the application of the preceding paragraph.

A member of Parliament, elected in a riding that is not included in the territory of one or several territorial communities falling under articles 73 or 74 of the Constitution or in New Caledonia , may not enroll or to relate to a party or a political grouping which has presented candidates, during the most recent renewal of the National Assembly, that in one or several territorial communities falling within the same articles 73 or 74 or in New Caledonia.

Not later than 31 December of the year, the office of the National Assembly and the office of the Senate shall communicate to the Prime Minister the distribution of members of the Parliament between the political parties and groupings, such that it follows from the statements of the members of the Parliament. These declarations are published in the Official Journal.

The amount of aid allocated to each party or group is traced in a report annexd to the draft finance bill of the year.

Article 9-1

· As amended by Act No.2009-526 the May 12, 2009 - s. 80
When, for a party or a political grouping, the gap between the number of candidates of each sex had said to relate to the party or group, at the last general renewal of the National Assembly, in accordance with the fifth paragraph of article 9, exceeds 2 % of the total number of these candidates, the amount of the first fraction that is assigned to him in application of articles 8 and 9 is reduced by a percentage equal to the three-quarters of this difference relates to the total number of these candidates.
This reduction is not applicable to political parties and groupings had presented candidates exclusively overseas when the gap between the number of candidates of each sex who are linked is not greater than one.

Article 10

· As amended by Act No.90-55 of the January 15, 1990 - s. 12 JORF January 16, 1990
The provisions relating to the financial control of the Act of 10 August 1922 relative to the organization of the monitoring of expenditures incurred are not applicable to the management of the appropriations referred to in articles 8 and 9.

The political parties and groupings beneficiaries are not subject to the control of the Court of Auditors. The provisions of the decree of the October 30, 1935 on the control of associations, works and private enterprises subsidized are not applicable to them.

Article 11

· As amended by Act No.90-55 of the January 15, 1990 - s. 13 JORF January 16, 1990

The political parties and their territorial organizations or specialized that they designate for this purpose collect funds through a representative specifically designated by them, which is either an association of funding, either a physical person.

Article 11-1

· As amended by Act No.95-65 of the January 19, 1995 - s. 14

The approval in quality of funding association of a political party is given by the National Commission of accounts of campaign and of political funding mentioned in article L. 52-14 Of the electoral code, subject to the limitation of the social purpose of the association to the only funding for a political party and the conformity of its statutes to the provisions of the following paragraphs of this article. The approval is published in the Official Journal.

The statutes of an association, approved in quality of funding association of a political party should include:

1° The definition of the territorial constituency inside of which the association carries out its activities ;

2° The commitment to open a bank or postal account for single y remove all donations received for the financing of a political party.

Article 11-2

· As amended by Act No.95-65 of the January 19, 1995 - s. 15

The political party declared in writing to the prefecture of his seat the name of the natural person , hereinafter called fiscal agent, that he chooses. The declaration must be accompanied by the express agreement of the designated person and must specify the

territorial constituency within which the fiscal agent carries out its activities.

The fiscal agent is required to open a bank or postal account for single y remove all donations received for the financing of the political party.

Article 11-3

· Created by Law no.90-55 of the January 15, 1990 - s. 13 JORF January 16, 1990

The political party may use successively to two or several intermediaries. In this hypothesis, the party must put an end to the functions of the fiscal agent or request the withdrawal of the approval of the funding association in the same forms that the designation or the request for approval. The bank or postal account unique is blocked until the moment when the party nominated a new fiscal agent or receives the approval of a new association of funding. Each association or each fiscal agent, except in the case of death of the latter, establishes the account of its management.

Article 11-4

· As amended by Act No.2013-907 the October 11, 2013 - s. 15

The donations and the contributions made in quality to adhere to one or more political parties by a physical person duly identified to one or several associations approved in quality of association of funding or to one or more financial agents of one or several political parties may not annually exceed EUR 7 500.

By exception, the premiums paid by the holders of elective office national or local are not taken into account in the calculation of the ceiling mentioned in the first paragraph.

The legal persons with the exception of political parties or groups may contribute to the financing of political parties or groups, nor the granting of donations, in whatever form, to their associations for funding or to their financial agents, nor in their providing goods, services or other direct or indirect benefits to prices that are lower than those usually practices.

The association of funding or the fiscal agent issued to the donor a receipt which a decree in the Council of State shall lay down the conditions for the establishment, use, and transmission to the National Commission of accounts of campaign and political funding. This decree also determines the modalities according to which the receipts issued for donations in an amount equal to or less than 3,000 euros made by physical persons do not mention the name of the party or group recipient. In the conditions laid down by decree, the political parties shall communicate each year to the National Commission of accounts of campaign and funding policies the list of persons having consented annually to pay one or more donations or contributions.

Any donation of more than 150 euros consented to an association of finance or a fiscal agent of a political party should be paid, definitively and without compensation, either by check or by transfer, direct debit or credit card.

No association of funding or no fiscal agent of a political party may not receive, directly or indirectly, of the contributions or material aid to a foreign State or of a legal person of foreign law.

The acts and documents emanating from the association of funding or of the fiscal agent, intended for third parties, and which have as their object to cause the payment of

donations must indicate, according to the case, the name of the association and the date of approval or the name of the trustee and the date of the declaration to the prefecture, as well as the political party or group recipient of the sums collected.
The amounts provided for in this article are updated every year by decree. They evolve as the consumer price index of households, excluding tobacco.

Article 11-5

· As amended by Act No.2013-907 the October 11, 2013 - s. 16
Those who have made donations to several political parties in violation of article 11-4 are punished with a fine of 3,750 euros and a year's imprisonment or only one of these two penalties.
When donations are made by the same person to a single political party in violation of the same article 11-4, the recipient of the donations is also subject to the sanctions provided for in the first paragraph of this article.

Article 11-6

· Created by Law no.90-55 of the January 15, 1990 - s. 13 JORF January 16, 1990

The approval is withdrawn at any association which has not complied with the requirements laid down in articles 11-1 and 11-4 of this act.

In this case, or when it is found that the summary referred to in article 11-1 has not been passed, the votes cast in the territorial jurisdiction of the association by the political party or group which requested its approval are removed, for the following year, the count provided in the first paragraph of article 9.

Article 11-7

· As amended by Act No.2013-907 the October 11, 2013 - s. 17
The parties or groups beneficiaries of all or part of the provisions of articles 8 to 11-4 have the obligation to keep accounts. This accounting must redraw both the accounts of the political party or group than those of all the agencies, companies or firms in which the party or grouping holds half of the social capital or the seats of the administrative body or exercised a preponderant power of decision or management.

The accounts of these parties or groupings are arrested each year. They are certified by two auditors and deposited in the first half of the year following that of the financial year to the National Commission of accounts of campaign and funding policies established in article L. 52-14 Of the electoral code, which ensures their publication summary in the Official Journal of the French Republic. If the commission finds a breach of the obligations provided for in this article, the political party or group loses the right, for the following year, to the benefit of the provisions of articles 8 to 10 of this act and the donations and contributions to his benefit cannot, starting from the following year, open right to the tax reduction provided to 3 of article 200 of the general tax code.

The commission asked, where appropriate, communication of all accounting documents

and all the supporting documents necessary for the proper discharge of its mission control.

Article 11-8

· As amended by Act No.2013-907 the October 11, 2013 - s. 17

Any political party or group which has obtained the approval of a funding association or who has designated a fiscal agent cannot receive donations of persons identified that through this association or of the agent. It is fact application, in case of failure, of the provisions of the second subparagraph of article 11-7.

Article 11-9

· Amended by Ordinance No.2009-536 the May 14, 2009 - s. 15

The publications provided for by this law must also be made in the Official Journal of the French Republic, in the Official Journals of New Caledonia, French Polynesia and Wallis and Futuna Islands, of St. Bartholomew, of Saint-Martin , of St. Pierre and Miquelon and the Official Bulletin of Mayotte.

Article 12

Has amended the following provisions:
· Amended electoral Code - s. L106 (M)

Article 13

Has amended the following provisions:
· Repealed Act No. 78-17 of 6 January 1978 - s. 32 (Ab)
· Amended electoral Code - s. L28 (V)

Article 14

Has amended the following provisions:
· Amended Act No.66-537 the July 24, 1966 - s. 168 (M)

Article 15

Has amended the following provisions:
· Created Act no.82-471 the June 7, 1982 - s. 5 Bis (M)

Article 16

Has amended the following provisions:
· Amended Act No. 86-1067 of 30 September 1986 - s. 14 (M)

TITLE IV: MISCELLANEOUS PROVISIONS AND TRANSITIONAL.

Article 17

The provisions of articles 1 and 2 shall apply only to persons appointed or elected subsequent to the presidential election that will follow the publication of this law.

Article 18

Eighteen months after the enactment of this law, the Government will be tabling on the offices of the two assemblies a report on the implementation of the provisions contained in this act and the organic law No. 88-226 of the March 11, 1988 relative to the financial transparency of the political life.

At least one month and two months at most after the tabling of the report, a public debate will be organized during the first regular session of 1989-1990 on the conditions of application of the laws referred to in the previous subparagraph.

Article 19

· As amended by Act No.2011-412 the April 14, 2011 - s. 29 (V)
This law is applicable in New Caledonia, French Polynesia, in the Wallis and Futuna islands and to Mayotte.

For the application of article 11-4 in New Caledonia, French Polynesia, Wallis and Futuna and to Mayotte, the amounts in euro are replaced by their counter-value in CFP francs and the reference to the consumer price index of households, excluding tobacco, is replaced:

A) in New Caledonia, by the reference to the cost of living index, excluding tobacco, of the Institute of Statistics and economic studies of New Caledonia.

B) in French Polynesia, by reference to the consumer price index of the households of the Institute of Statistics of the French Polynesia ;

C) HAS Wallis and Futuna, by the reference to the local consumer price index;

D) HAS Mayotte, by the local index of the cost of the life of the national institute of statistics and economic studies.

Francois Mitterrand by the President of the Republic:

The Prime Minister,

Jacques CHIRAC

The Minister of State, Minister of the economy,

Of finance and of the privatization,

Edouard Balladur

The keeper of the seals, minister of justice,

ALBIN CHALANDON

The minister of culture and communication,

Francois LEOTARD IS HEREBY

The minister of foreign affairs,

JEAN-BERNARD RAIMOND

The minister of the interior,

Charles PASQUA

The minister of overseas departments and territories,

BERNARD PONS

The minister delegate to the minister of the economy,

Of finance and of the privatization,

Responsible for the budget,

ALAIN JUPPÉ

The minister delegate to the minister of culture

And communication,

Responsible for communication,

ANDRÉ SANTINI

(1) preparatory work: Law No. 88-227.

National Assembly:

Bill No. 1215 ;

Report of Mr. Mazeaud, on behalf of the commission of the laws, no. 1217 ;

Discussion The 2, 3 and February 4, 1988 ;

Adoption the February 4, 1988.

Senate:

Bill, passed by the National Assembly in the first reading, no. 228 (1987-1988) ;

Report of Mr. Jacques Larche, on behalf of the commission of Laws, No. 230 (1987-1988) ;

Discussion the 11 and February 17, 1988 ;

Adoption the February 17, 1988.

National Assembly:

Bill, as amended by the Senate in the first reading, no. 1229 ;

Report of Mr. Mazeaud, on behalf of the commission of the laws, no. 1240 ;

Discussion and adoption the February 23, 1988.

Senate:

Bill, adopted with amendments by the National Assembly in second reading, no. 233 (1987-1988) ;

Report of Mr. Jacques Larche, on behalf of the commission of Laws, No. 235 (1987-1988) ;

Discussion and adoption the February 25, 1988.