

(Legislative Supplement No. 24)

LEGAL NOTICE NO. 74

**THE INDEPENDENT ELECTORAL AND BOUNDARIES
COMMISSION ACT**

(No. 9 of 2011)

IN EXERCISE of the powers conferred by section 31 of the Independent Electoral and Boundaries Commission Act, 2011, the Commission makes the following Regulations:—

**THE INDEPENDENT ELECTORAL AND BOUNDARIES
COMMISSION (FUND) REGULATIONS, 2012**

1. These Regulations may be cited as the Independent Electoral and Boundaries Commission (Fund) Regulations, 2012.

Citation.

2. In these Regulations, unless the context otherwise requires—

Interpretation.

“Cabinet Secretary” means the Cabinet Secretary appointed under Article 152;

“Commission” means the Independent Electoral and Boundaries Commission established under Article 88 of the Constitution;

“Fund” means the Independent Electoral and Boundaries Commission Fund established under section 18 of the Act;

“secretary” means the secretary to the Commission appointed in accordance with Article 250(12) of the Constitution.

3. (1) The secretary shall, before the approval of the annual estimates prepared under section 21 of the Act, lay the proposed annual estimates before the Commission for approval.

Preparation of financial estimates.

(2) The annual estimates referred to under subregulation (1) shall—

(a) specify the recurrent and development expenditure of the Commission; and

(b) itemize every activity that the Commission intends to undertake in that financial year.

(3) The annual estimates shall make provision for all estimated expenditure of the Commission for the financial year, and, in particular, shall make provision for—

(a) the payment of salaries, allowances, pension gratuities, and other charges in respect of the staff of the Commission;

(b) proper maintenance of the buildings and grounds of the Commission; and

(c) the maintenance, repair and replacement of the utilities, equipment and other property of the Commission.

(4) The annual estimates shall be approved by the Commission before the commencement of the financial year to which they relate, and shall be submitted to the Cabinet Secretary for approval, and thereafter the Commission shall not increase or decrease the annual estimates except with the authority of the Cabinet Secretary

(5) The secretary may prepare supplementary estimates for approval by the Commission.

Bank accounts

4. (1) The Commission shall open a bank account for the funds of the Commission into which all moneys received by the Commission shall be paid in the first instance and out of which all payments made by the Commission shall be made

Investment of funds.

5. (1) The Commission may invest any of its funds in securities in which for the time being trustees may by law invest in trust funds, or in any other securities which the Treasury may, from time to time, approve for that purpose

(2) The Commission may place or deposit with such bank or banks as it may determine, any moneys not immediately required for the purposes of the Commission.

Administration of the Fund

6. (1) In addition to the functions and responsibilities assigned under section 18(3) of the Act, the secretary shall be responsible for—

- (a) the supervisory control and maintenance of proper accounting standards, systems, procedures and records for the accountability, custody, safeguarding and reporting of all monies received into the Fund;
- (b) accounting for the receipts and expenses of the Fund;
- (c) preparing and implementing the estimates of the Commission;
- (d) allocation of funds to the activities of the Commission in accordance with the approved estimates, and
- (e) monitoring and evaluating the expenditures by the Commission.

(2) The secretary may, in writing, delegate any of the functions for which the funds are appropriated, to a competent person.

(3) The secretary shall ensure that money held in the Fund is spent only for the purposes for which the Fund is established.

Publication of pre and post-election financial status of the Fund

7. (1) Whenever there is a general election, the secretary shall—
- (a) at least six months before the polling day, prepare and publish a pre-election status report of the Fund specifying—
 - (i) the total monies allocated for the general election;
 - (ii) the sources of the moneys received into the Fund;

- (iii) the projected expenditure, specifying each activity; and
 - (iv) any other monies in the Fund; and
- (b) not later than two months after the polling day, prepare and publish a post-election status report of the Fund specifying—
- (i) each activity and the money spent on the activity;
 - (ii) the total monies spent on the general election;
 - (iii) the variation between the projected expenditure and actual expenditure specifying the expenditure on each activity; and
 - (iv) any other expenditure incurred by the Commission.

(2) The pre-election and post election status report of the Fund referred to under subregulation (1) shall be submitted to the Treasury at least five months before the polling day of a general election, and at least three months after the polling day of a general election, respectively

(3) The secretary may, in the case of a presidential election that is not held during a general election or a referendum, publish and, in consultation with the Treasury, submit the pre-election and post-election status report referred to in this regulation within a shorter period than the period specified in subregulations (1) and (2)

8. Subject to the provisions of any other law relating to public funds, the Commission may from time to time, set general guidelines, conditions and requirements for the management of the Fund including—

General guidelines on management of the Fund.

- (a) the criteria for the disbursement of monies from the Fund to any programme or activity of the Commission;
- (b) the rules and procedures related to the disbursement and management of funds;
- (c) the funding needs to support the objectives of the Fund; and
- (d) any other issue related to the operation of the Fund

9 The Fund shall be audited internally by auditors duly appointed by the Commission.

Internal audit

10. The secretary shall maintain records, including records in electronic form, of all information relating to the administration of the Fund.

Records.

Made on the 4th July, 2012.

A. I. HASSAN,
Chairperson,
Independent Electoral and Boundaries Commission.