



# REPUBLIC OF SAN MARINO

**We the Captains Regent  
of the Most Serene Republic of San Marino**

*Having regard to Article 4 of Constitutional Law no. 185/2005 and Article 6 of Qualified Law no. 186/2005;*

*Hereby promulgate and order the publication of the following Ordinary Law, approved by the Great and General Council during its sitting of 17 May 2017:*

**LAW NO. 50 OF 22 MAY 2017**

## **AMENDMENTS TO LAW NO. 170 OF 23 NOVEMBER 2005 - FUNDING OF POLITICAL PARTIES AND MOVEMENTS**

### **Art.1**

The following paragraph shall be added to Article 2 of Law no. 170 of 23 November 2005 - Funding of political Parties and Movements:

“2 *bis* The Institutional Secretariat, after hearing the State Accounting Office, shall promptly publish on the website of the Great and General Council the annual amount of State funding due to political Parties and Movements entitled thereto.”.

### **Art. 2**

The following paragraph shall be added after paragraph 1 of Article 4 of Law no. 170 of 23 November 2005:

“1 *bis* The members of the Great and General Council referred to in the first paragraph shall be subject to the same record and account keeping and reporting obligations as political Parties and Movements.”.

### **Art.3**

Article 8 , paragraph 2 of Law no. 170 of 23 November 2005 shall be replaced as follows:  
“The Institutional Secretariat shall promptly publish on the website of the Great and General Council the balance sheets of political Parties and Movements, and, simultaneously, make them public to the media through the channels provided by the Public Administration.”.

#### **Art.4**

Article 11 of Law no. 170 of 23 November 2005 shall be replaced as follows:

“Each year the balance sheets of political Parties and Movements shall be audited in order to determine whether they have been drafted clearly and accurately and whether they are completely consistent with the financial position, as well as with the costs and revenues incurred during the year.

The audit shall be carried out by a Committee composed of three auditors chosen by lot by the Bureau of the Great and General Council among the auditors enrolled in the Register of Auditors held at the Ministry of Industry who are not members of the Congress of State, of the Great and General Council or of governing bodies of political Parties and Movements.

The office of member of the Committee shall last two years, starting in May. In order to ensure the necessary action and policy continuity of the Committee, and only on the occasion of the first draw, the office of the first member drawn shall last three years.

In the event of resignation, removal from office or death of a member of the auditing Committee, the new member shall be drawn by lot and his term of office shall end at the same time as that of the replaced member.

Starting from the 2018 financial year, each member of the Committee shall receive an annual fixed amount of EUR 3,400.00, to be recorded in the budget chapter entitled “1-2-1480 Autonomous fund for the Great and General Council”.

The auditing Committee shall be entitled to obtain all necessary or useful information and documents for auditing purposes from the administrative managers and political leaders of political Parties and Movements, or from any other person holding such information and documents. Moreover, it may carry out assessments and controls at the headquarters of political Parties or Movements.

The auditing Committee shall have access to the accounting information of political Parties and Movements to be audited, either at all offices of the Public Administration or at San Marino financial institutions, through the Central Bank of the Republic of San Marino.

The auditing Committee may issue, in compliance with general accounting rules and principles, interpretative and implementing circulars on how political Parties and Movements should draw up the balance sheets and keep accounting records under Article 10 of this Law, with particular reference to private funding other than monetary donations, accounting operations relating to mergers between Parties or in any case of political Parties or Movements merging into others, and the termination of activities.

The directives, circulars and guidelines issued by the auditing Committee shall be transmitted to the Institutional Secretariat, which shall promptly publish them on the website of the Great and General Council.

The final report of the Committee shall be notified to the Institutional Secretariat and to the political Party or Movement concerned, which is entitled to lodge an appeal to the Commission for the Control of Public Finance within 10 days. The latter Commission shall adopt a decision, without any possibility of appeal, within the following 20 days.

The Institutional Secretariat shall promptly publish on the website of the Great and General Council the final report of the auditing Committee, as well as any ruling of the Commission for the Control of Public Finance, and simultaneously make them public to the media through the channels provided by the Public Administration.”.

#### **Art.5**

Article 12, paragraph 1 of Law no. 170 of 23 November 2005 shall be replaced as follows:

“If the auditing Committee identifies violations of this Law concerning the keeping of accounting records, filing and drawing up of balance sheets, as well as failure to respect the submission deadlines, the public funding of the following year shall be reduced, according to the criteria set by the Committee, of an amount of monthly instalments, depending on the seriousness of the violation, up to a maximum of half of the funding.

If the Committee establishes that the balance sheet does not faithfully and accurately reflect the financial position and the costs and revenues incurred during the year, the public funding of the following year shall be reduced by half. In the event of serious violations or repeated violations of offences considered less serious, the auditing Committee shall order the reduction of the entire yearly amount of the funding.”.

#### **Art.6**

Article 15 of Law no. 170 of 23 November 2005 shall be replaced as follows:

“Anyone carrying out acts in violation of Article 13 shall be punished with first-degree imprisonment and fourth-degree disqualification from political rights.

Anyone who, having offered contributions or benefits in violation of Article 13, spontaneously and usefully confesses the fact, shall be punished with third-degree daily fine.

By way of derogation from Article 54 of the Criminal Code, the offences referred to in Article 13 of this Law shall be time-barred within five years.

The other sanctions provided for by the Criminal Code shall remain unaffected.”.

#### **Art. 7**

*(Repeal)*

Article 5 of Law no. 170 of 23 November 2005 shall be repealed.

#### **Art. 8**

*(Entry into force)*

This Law shall enter into force on the fifth day following that of its legal publication.

*Done at Our Residence, on 22 May 2017/1716 since the Foundation of the Republic*

THE CAPTAINS REGENT  
*Mimma Zavoli – Vanessa D’Ambrosio*

THE MINISTER OF  
INTERNAL AFFAIRS  
*Guerrino Zanotti*