



LAW OF MONGOLIA
LAW ON POLITICAL PARTIES

/amended version/

January 28, 2005

Parliament House, Ulaanbaatar

CHAPTER ONE
GENERAL PROVISION

Article 1. Purpose of the Law

1.1. The purpose of this law is to regulate relations regarding to establish a political party /hereinafter referred to as “party”/, stop its continuity, suspend, register in the state registration, create a legal foundation of organization and continuity of party with the aim of providing a right of consolidation of Mongolian citizens.

Article 2. Legalization of party

2.1. The legalization or law of party shall consist of Constitution of Mongolia, this law itself, and the acts of other related laws.

Article 3. Right of Mongolian citizens to enter into a party

3.1. Mongolian citizens who has right to elect has right to establish party, enter into party, leave the party, and participate in the political activities in accordance with law, rules and platform of corresponding party voluntarily.

3.2. Mongolian citizen shall be a member of one party only.

3.3. In accordance with Law of Mongolia it is forbidden to discriminate, intimidate, calumniate, offend and oppress someone as he is a member of party.

3.4. A membership of party can be suspended for some civil servants in accordance with law.

3.5. It is forbidden to force someone to enter or leave the party and to oppress.

3.6. Membership of party shall not be a reason to limit his rights, freedom or to give advantage unless it is stated in law otherwise.

3.7. It is forbidden to define the membership of party on any official document which states personal information of citizens without his permission unless it is stated in law otherwise.

Article 4. The concept about party

4.1. A party is considered as a union of Mongolian citizens who have consolidated voluntarily with the purpose of organizing social, personal and political activities as it is stated in the Constitution of Mongolia.

4.2. It is forbidden to establish a party with the purpose to offend authority, independence of Mongolia, to scatter a national unity, to take an authority over of the state unconstitutionally, to usurp, to confuse, intimidate the mass, to commit murder, to discriminate with nationality, race, to organize a campaign against independence, territory integrity of the other countries and to establish religious, military and fascist party.

Article 5. Principles of party activities

5.1. Party shall adhere to the following principles in its activities:

5.1.1. to insure democracy, justice, freedom, equity, national unity, independence, social security, government and to fulfill the laws;

5.1.2. to run its activities openly;

5.1.3. to provide for the members to enter in the board of directors, to candidate for election, to provide with equal opportunities without discrimination of nationality, race, age, sex, wealth, and work position to get elected;

5.1.4. to dissolve the internal issues by voting in accordance with the principle of democracy;

5.1.5. to respect the activities, not to intervene in the internal issues of other parties and not to force its own ideology;

5.1.6. to run its activities with the principle of local territory;

5.1.7. to respect the peaceful relationship and cooperation of Mongolia with other countries.

Article 6. Name of party

6.1. A party shall have its given name and it is obliged to include the general term “party” in its end.

6.2. The given name or its abbreviation of party is forbidden to be same as other organizations, companies or parties and it cannot be a personal given name.

6.3. /this part was considered as invalid on November 14, 2005/

Article 7. Differentiation of duties between party member and government employee

7.1. As a party, it is forbidden to intervene to the government organizations and the activities of their employees.

7.2. Civil servant shall adhere to laws while executing the duties and it is forbidden to use his position for the sake of interest of any party.

7.3. Civil servants except for political servants are forbidden to make decisions to defend the interest of any party, to promote, to participate in the election campaign of any candidate.

7.4. Party is forbidden to get involved in the activities of religious organizations and training activities of educational organizations.

CHAPTER TWO

To establish a party

Article 8. To establish a party

8.1. Party shall be established by the Great meeting of organizing /hereinafter referred to as “meeting of establishment”/.

8.2. The preparation of the meeting of establishment should be made in advance and representatives should be informed about its place and time 2 months in advance.

8.3. The representatives of the meeting of establishment should include people from the rural areas.

8.4. The following issues shall be discussed in the meeting of establishment:

8.4.1. to approve a full name, its abbreviation, symbol and design of the flag;

8.4.2. to approve the platform and rules of the party;

8.4.3. to create the directing and controlling organizations of the party, to set their structure, rights and duties;

8.4.4. to approve the decision of the establishment of party.

8.5. The date of party establishment shall be the day in which the meeting of establishment has approved the establishment of party and it shall be published.

8.6. /this part was considered as invalid on November 14, 2005/

8.7. It is forbidden that the establishment of party to be oppressed, intervened by any organization, authorized employees.

Article 9. To register a party in the state registration

9.1. Party shall give its application form of registration to the State Supreme Court within 10 working days after the establishment of party as it is stated in 14.1 of the law on state registration of legal entity.

9.2. Information stated in 14.2 of the law on state registration of legal entity shall be included in the application form.

9.3. Party shall prepare the following besides the materials stated in 16.1 of the law on state registration of legal entity.

9.3.1. application of party registration with the signature of the director of the party;

9.3.2. name, symbol, flag of the party;

9.3.3. rules of the party;

9.3.4. party platform;

9.3.5. official permanent address of the executive organization of the party;

9.3.6 /this part was considered as invalid on February 17, 2005/

9.3.7. membership registration which is not less than number of 801 /full name, number of ID card, registration number, address and signature/;

9.3.8. registration /full name, number of ID card, registration number, address and signature/ of authorized directing financing employee /manager, chief accountant/;

9.3.9. information of party capitals;

9.3.10. other documents as stated in laws.

9.4. When articles 6, 9.2-9.3 are taken into consideration the State Supreme Court shall deliver the certificate of state registration of party and publish it within 30 working days after the application is received.

9.5. The State Supreme Court is forbidden to require other documents stated in 9.3 of this law.

9.6. Party shall have right to run its activities on the territory of Mongolia when it is registered in the state registration as it fulfills the requirements stated in laws.

Article 10. To refuse to register a party in the state registration

10.1. The State Supreme Court shall refuse party to the state registration in the following cases:

10.1.1. the rules, platform are incompatible to the Constitution of Mongolia and other laws;

10.1.2. in case there is a reason stated in 4.2 of this law;

10.1.3. number of members are less than the number stated in 9.3.7 of this law or member have membership of other parties or they have represented other person;

10.1.4. /considered as invalid on February 17, 2005/

10.1.5. used a name which is incompatible to the article 6 of this law;

10.1.6. other reasons as stated in laws.

CHAPTER THREE

Requirement to the organization of party

Article 11. Rules of the party

11.1. Internal organization, directing system shall be regulated by the rules of the party.

11.2. Rules of the party shall include the followings:

11.2.1. the statement of the party;

11.2.2. full name, abbreviation, symbol and flag;

11.2.3. rights and duties of the members;

11.2.4. note about the establishment of elementary organization;

11.2.5. about to elect, to participate, to lead the representatives for the great and other meetings, to create the controlling organization, their structure, formula and activities;

11.2.6. procedure to amend the rules, platform of the party;

11.2.7. procedure to reorganize, close down the party;

11.2.8. principle to nominate to election, choose the employees and to keep the sex equity;

11.2.9. procedure of financial source, capital of the party and its expenditure;

Article 12. Platform of the party

12.1. Party shall have its platform in which is compliance with laws of Mongolia, national interests and includes its ideology, operation principles, purpose and the main methods to implement them.

Article 13. Organizations of party

13.1. The great meeting shall be its supreme directing organization.

13.2. The following issues shall be discussed in the Great meeting only:

13.2.1. to approve rules and platform of the party;

13.2.2. to discuss the reports of representing and controlling organization of the party and to elect them;

13.2.3. to change the party, stop its continuity, change its name;

13.3. lower, whole meeting or their equal organizations shall be created by election during the free time of the Great meeting. They shall be elected by ballot.

13.4. The central representing organization of the party shall be able to amend the rules, platform, elected employees approved in the Great meeting.

13.5. The central representing organization of the party shall create and keep the executive organization of the party for the daily activities.

13.6. Party shall create and keep the central and local systems which are in compliance with this law.

13.7. The party platform and candidacy to the Presidential and Parliamentary elections shall be decided by the Great meeting or the central representing organization approved by the Great meeting.

13.8. The local representing organization of the party shall be elected by ballot.

13.9. The disputes related to internal organization, activities which are to be regulated by the rules of the party shall not be settled directly. Dispute shall be settled by the authorized organizations.

/this part has amended on February 17, 2005/

Article 14. Rights of the party

14.1. Party shall have the following rights:

14.1.1. to participate in the election of parliament and civil representing counsel of the province, capital city, county and districts;

14.1.2. to organize social gathering, march and other activities in compliance with the laws;

14.1.3. to defend the rights of the party, members and legal interests;

14.1.4. to choose the structure, purpose and methods of its activities freely unless it is stated in laws otherwise;

14.1.5. to have its own capital properties;

14.1.6. to relate, contact the foreign parties and international organizations unless is incompatible to the national interests;

14.1.7. other rights as stated in the laws.

Article 15. To reorganize the party and its name

15.1. Party can be reorganized through uniting and combining as it is stated in law.

15.2. To unite two or more parties after stopping their continuity, to join one party to another party shall be decided by the Great meeting of the party after being discussed with the members.

15.3. Rights, duties, responsibilities, membership and properties shall be transferred to the new party through uniting and this new party shall be registered as it is stated in this law.

15.4. New reorganized party through uniting shall be able to use the name of either party and it shall be regulated as it is stated in 6.3 of this law. In this case, the establishment date shall be the earliest establishment day of either party.

15.5. In case a party has joined into another party the rights, duties, responsibilities, membership and properties shall be transferred into the other party.

15.6. In case party has reorganized, changed its name members or other people, legal entities who disagrees the decision are forbidden to change, continue to use its property, membership, stamp, name, symbol and flag.

15.7. Registration organization shall unregister the certificate of reorganized party and publish it.

15.8. Other relations regarding the reorganization of party shall be regulated by the related articles of the civil law.

CHAPTER FOUR

Financing of the party

Article 16. Capital, income of party

16.1. Real estate, movable properties shall be capital of the party.

16.2. The following shall be considered as the capital of the party:

16.2.1. membership tax;

16.2.2. donations from member, people and legal entities;

16.2.3. subsidization from the state;

16.2.4. souvenirs depicting the symbol of the party, things belong to the party;

16.2.5. revenue of publishing, media and commercialization;

16.2.6. revenue from renting or selling its own properties;

16.2.7. interest of the its savings in banks.

16.3. It is forbidden to earn profit, keep company in other ways than it is stated in article 16 of this law.

Article 17. Expenditure of the party income

17.1. Party income shall be spent for the activities of the rule, platform of the party only.

17.2. It is forbidden to spend the party income for other reasons, to split to members as a dividend.

Article 18. Membership tax, donation

18.1. Member shall be able to donate to the party by an amount defined by rules of the party.

18.2. Members, supporters shall be able to donate to the party through concepts and faiths. Donation shall be received through the bank account of corresponding level of organization only.

18.3. The maximum amount of donation for legal entity is ten million, for person is one million tugrug for one time and donator is allowed to give donation to one organization of the party for no more than two times a year. It is forbidden to seek for personal interest, position and to oppress due to donation.

18.4. Party shall publish about its donations.

18.5. Membership tax and donation shall be kept in one bank account.

18.6. The issues of donation to the party in relation with election campaign shall be regulated by law on election.

18.7. It is forbidden to receive donation from the following:

18.7.1. Mongolian citizen under 18 ages;

18.7.2. state and state related organizations, companies;

18.7.3. religious organizations;

18.7.4. international organization, foreign citizens, legal entity, people with no citizenship;

18.7.5. legal entity which is less than one year old of its establishment;

18.7.6. person without name, address;

18.7.7. legal entity which has bankrupted or has expired bank loan;

18.7.8. other people forbidden by law.

18.8. Sponsorship of projects, events cooperated with international organizations, other foreign political organizations, funds shall not be regulated by 18.7.4 of this law.

Article 19. Subsidization from the state

19.1. Government shall subsidize the party who has seats in the parliament for one time within three months after the election result is announced. Each vote shall be valued as one thousand tugrug and votes of the party in parliamentary election shall be compared to the total number of votes.

19.2. Party who has seats in the parliament shall be subsidized quarterly from the state budget during the term of office and for each seat in the parliament shall be subsidized by ten million tugrug. 50 percent of this subsidization shall be spent for the parliamentary election unit areas.

19.3. The money amount stated in 19.1, 19.2 of this law can be changed depending on the exchange rate.

Article 20. Financing auditing to the party

20.1. Controlling organization of the party shall check the finance of the party.

20.2. Central organization of the party shall make consolidated statement after the corresponding organization has made the financial report.

20.3. Finance of the party shall be audited annually and it shall be published.

20.4. Directors, CFO, chief managers and other equal positioned employees of the party are forbidden to work, keep position related to finance in any political fund, association, organizations and companies.

20.5. Director of the party is forbidden to participate in the finance and budget of the party with the right to spent.

20.6. Relations regarding the financial cost report of Presidential, Parliamentary elections and election of province, capital city, counties, districts civil representative counsel shall be regulated by the law on election.

Article 21. Control on the activities of the party

21.1. Controlling organization of the party shall control the activities of the party.

21.2. State Supreme Court shall check if the rules, platform of the party and their amendments are in compliance with the Constitution of Mongolia and this law. Party shall register its rules, platform and their amendments to the State Supreme Court within 10 days.

CHAPTER FIVE

Miscellaneous items

Article 22. Rights of the party who has seats in the parliament

22.1. Party who has seats in the parliament shall have the following rights:

22.1.1. to candidate its members, supporters to the Presidential election of Mongolia;

22.1.2. to introduce its opinions on the laws and other decisions of the parliament through their group in the parliament and in case has no group in the parliament through their member of parliament.

22.1.3. to propose to nominate for the political positions through their group in the parliament;

22.1.4. to express its status on policies of the nation through the group in the parliament in the opening ceremony of the parliament.

Article 23. To stop the continuity of the party, to close down the party

23.1. Party shall stop its continuity by the decision of supreme organization of the party and shall inform the State Supreme Court within 5 working days in written form. State Supreme Court shall unregister and publish it within 5 working days. In this case the properties of the party shall be settled through its rules.

23.2. State Supreme Court shall close down the party and unregister it in accordance with 23.1 of this law and publish it in case party has offended authority, independence of Mongolia, scattered the national unity, taken an authority over of the state unconstitutionally, usurped, discriminated nationality, race, organized an activities against independence, territory integrity of the other countries and transferred into religious, military or fascist party.

/this part has amended on February 17, 2005/

Article 24. Responsibilities of the law breaches

24.1. In case the breach of the rules of the party has criminal sense guilty person shall be punished in accordance with the criminal law.

24.2. In case the breach of the rules of the party has no criminal sense the following administrative penalties shall be applied by judge:

24.2.1. in case forced people to enter or leave the party by breaching the 3.5 of this law the 30000-60000 tugrug for employees, 20000-40000 tugrug for citizens shall be imposed as fine;

24.2.2. in case defined the membership of citizens without permission by breaching the 3.7 of this law the 20000-60000 tugrug shall be imposed for employees as fine;

24.2.3. in case earned profit in a way which is forbidden by law by breaching 16.3 of this law the 40000-60000 tugrug for employees, 200000-250000 tugrug shall be imposed as fine and profit shall be expropriated;

24.2.4. in case divided the income of the party in to dividends, paid the payments for citizens, organizations, companies, spent for other purposes by breaching 17.2 of this law the 40000-60000 tugrug for employees, 200000-250000 tugrug for the party shall be imposed as fine;

24.2.5. in case 18.2, 18.3 of this law has breached the 40000-60000 tugrug for employees, 200000-250000 tugrug for the party shall be imposed as fine and donations received out of bank account or its excess shall be expropriated;

24.2.6. in case received donation from person stated in 18.7 of this law the 200000-250000 tugrug for the party, 50000-60000 tugrug for the employee shall be imposed as fine and donation shall be expropriated;

24.2.7. in case escaped from auditing in the finance, audited but not published by breaching 20.3 of this law the 40000-60000 tugrug for employees, 100000-250000 tugrug for the party shall be imposed as fine;

24.2.8. in case has kept position by breaching 20.4 of this law the 50000-60000 tugrug shall be imposed for the employee as fine;

24.2.9. in case has breached 20.5 of this law the 50000-60000 tugrug shall be imposed for the employee as fine;

24.3. Party shall be punished as it is stated in law in case it has breached the law of state registration.

24.4. Party shall be punished in accordance with the related laws in case it has not kept elementary financing notes, accounting notes, has not made the correct financial report, information, has not made it on time, has not saved the financial reports, accounting documents in accordance with the law on archive.

**DEPUTY DIRECTOR OF THE
PARLIAMENT OF MONGOLIA**

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