

निर्वाचन आयोग, नेपाल
ELECTION COMMISSION, NEPAL

Detailed Report on Fifth Meeting of



FEMB_oSA

Forum of Election Management Bodies of South Asia



"Regulating Campaign Finance: Ensuring Free & Fair Elections"

29-30 NOVEMBER, 2014

KATHMANDU, NEPAL





Top Row (Left to Right): Mr. Kibu Zangpo, Bhutan; Mr. Md. Sirazul Islam, Bangladesh; Mr. Yashvir Singh, India; Mr. Madhu Prasad Regmi, Nepal; Mr. S. Achchuthan, Sri Lanka; Mr. Rizan M.A. Hameed, Sri Lanka; Mr. Ahmed Muaz, Maldives

Bottom Row (Left to Right): Dr. Rambhakta P.B. Thakur, Nepal; Mr. Mohammad Abu Hafiz, Bangladesh; Ms. Lail Ahrary, Afghanistan; Mr. Kazi Rakibuddin Ahmad, Bangladesh; Dr. Nasim Zaidi, India; Mr. Ahmad Yusuf Nuristani, Afghanistan; Mr. Neel Kantha Uprety, Nepal; Dasho Kunzang Wangdi, Bhutan; Justice (R) Fazal-Ur-Rahman, Pakistan; Dr. Ayodhi Prasad Yadav, Nepal; Mr. Dolakh Bahadur Gurung, Nepal; Mr. Mahinda Deshapriya, Sri Lanka; Ismail Habeeb Abdul Raheem, Maldives; Ms. Ila Sharma, Nepal

ACKNOWLEDGEMENT

The fifth meeting of the Forum of Election Management Bodies of South Asia (FEMBoSA) took place from 29 to 30 November, 2014, in Kathmandu on the theme of "Campaign Finance". The Election Commission, Nepal (ECN) takes immense pleasure from the opportunity to host the meeting in Nepal.

The ECN acknowledges the role of the Election Commission of Bhutan as the outgoing chair and congratulates the Chief Election Commissioner Hon'ble Dasho Kunzang Wangdi for successfully completing his tenure as the Chairman of FEMBoSA.

Members and officials of the ECN have made significant contributions to the success of the meeting by taking active roles in several organizing committees formed for the preparation of the meeting. UNDP/ESP made significant contributions through excellent logistic arrangements. ECN highly values the inputs, involvement and support provided by all of them at different stages to make the meeting hugely successful.

The ECN is grateful to the honourable delegates from the Election Management Bodies of Afghanistan, Bangladesh, Bhutan, India, the Maldives, Pakistan and Sri Lanka for their active and quality participation in the proceedings of the meeting.

The ECN is thankful to the Government of Nepal for its support in the course of the meeting, and to the security agencies for the flawless security arrangements.

The ECN expresses sincere gratitude to the Rt. Hon'ble Vice President of Nepal Mr. Paramananda Jha for accepting our request to grace the fifth FEMBoSA meeting as the Chief Guest and making the meeting a momentous occasion.



Neel Kantha Uprety
Chief Election Commissioner
Election Commission, Nepal
and Chairman, FEMBoSA

LIST OF ABBREVIATIONS

A-WEB	Association of World Election Bodies
AFN	Afghan Afghani
CA	Constituent Assembly
CEC	Chief Election Commissioner
CSO	Civil Society Organization
ECB	Election Commission of Bhutan
ECI	Election Commission of India
ECN	Election Commission, Nepal
ECP	Election Commission of Pakistan
EMB	Election Management Body
EPIC	Electoral Photo Identification Card
FEMBoSA	Forum of the Election Management Bodies of South Asia
GNH	Gross National Happiness
HE	His Excellency
ICT	Information and Communications Technology
IFES	International Foundation for Electoral Systems
International IDEA	International Institute for Democracy and Electoral Assistance
MoFA	Ministry of Foreign Affairs
NRI	Non-resident Indians
NVD	National Voters' Day
PPP	Purchasing Power Parity
SAARC	South Asian Association for Regional Cooperation
SAIDES	South Asian Institute for Democracy and Electoral Studies
SVEEP	Systematic Voters Education & Electoral Participation
UNCAC	United Nations Convention against Corruption
UNDP/ESP	United Nations Development Programme/ Electoral Support Project

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BACKGROUND

The Forum of the Election Management Bodies of South Asia (FEMBoSA) is a regional establishment for cooperation amongst the SAARC EMBs. The idea of instituting such Forum was conceived by the first meeting of Heads of Election Management Bodies of the SAARC held in Dhaka in 2010. The second meeting held in Pakistan in 2011 shared experiences and decided to take concrete steps towards formalizing the Forum of Heads of Election Management Bodies of the SAARC.

The third meeting of the Forum held in New Delhi in 2012 took a unanimous decision to rename itself as Forum of Election Management Bodies of South Asia; and the FEMBoSA Charter was signed in the same meeting.

The fourth meeting of the Forum was hosted by the Election Commission of Bhutan in October, 2013 on the theme: "Sharing Experiences and Resources for Better Electoral Practices in South Asia".

As per the resolution of the fourth meeting, the Election Commission, Nepal hosted the fifth meeting of FEMBoSA in Kathmandu, Nepal, from 29th-30th November 2014. The theme of the fifth meeting was "Regulating Campaign Finance: Ensuring Free and Fair Elections".

LIST OF PARTICIPANTS

The fifth meeting of FEMBoSA was attended by delegates from all SAARC EMBs. The list of participants has been given below alphabetically, by country:

Afghanistan

1. Hon'ble Ahmad Yusuf Nuristani, Chairman, Independent Election Commission of Afghanistan
2. Hon'ble Lail Ahrary, Election Commissioner, Independent Election Commission of Afghanistan

Bangladesh

3. Hon'ble Kazi Rakibuddin Ahmad, Chief Election Commissioner, Election Commission of Bangladesh
4. Hon'ble Mohammad Abu Hafiz, Election Commissioner, Election Commission of Bangladesh
5. Mr. Md. Sirazul Islam, Secretary, Election Commission of Bangladesh

Bhutan

6. Hon'ble Dasho Kunzang Wangdi, Chief Election Commissioner, Election Commission of Bhutan
7. Mr. Kibu Zangpo, Election Officer, Election Commission of Bhutan

India

8. Hon'ble Nasim Zaidi, Election Commissioner, Election Commission of India
9. Mr. Yashvir Singh, Director, Election Commission of India

Maldives

10. Hon'ble Ismail Habeeb Abdul Raheem, Election Commissioner of the Election Commission of the Maldives

11. Mr. Ahmed Muaz, Assistant Director, Information and Communication Technology, Election Commission of the Maldives

Nepal

12. Hon'ble Neel Kantha Upfrey, Chief Election Commissioner, Election Commission, Nepal
13. Hon'ble Dolakh Bahadur Gurung, Commissioner, Election Commission, Nepal
14. Hon'ble Ayodhi Prasad Yadav, Commissioner, Election Commission, Nepal
15. Hon'ble Rambhakta P.B. Thakur, Commissioner, Election Commission, Nepal
16. Hon'ble Mrs. Ila Sharma, Commissioner, Election Commission, Nepal
17. Mr. Madhu Prasad Regmi, Secretary, Election Commission, Nepal

Pakistan

18. Hon'ble Fazal-Ur-Rahman, Member, Election Commission of Pakistan

Sri Lanka

19. Hon'ble Mahinda Deshapriya, Commissioner of Elections, Department of Elections, Sri Lanka
20. Mr. S. Achchuthan, Deputy Commissioner of Elections, Department of Elections, Sri Lanka
21. Mr. Rizan M.A. Hameed, Coordinating Secretary, Department of Elections, Sri Lanka

OBSERVER PARTICIPANTS

Mr. Bir Bahadur Rai, Joint Secretary, ECN
Mr. Matrika Prasad Shrestha, Joint Secretary, ECN
Ms. Leela Devi Gadtaula, Joint Secretary, ECN
Mr. Sushil Koirala, Under Secretary, ECN
Mr. Subhash Chandra Rai, Under Secretary, ECN
Mr. Hari Prasad Joshi, Under Secretary, ECN
Mr. Baburam Shrestha, Under Secretary, ECN
Mr. Chandra Bahadur Siwakoti, Under Secretary, ECN
Mr. Eak Narayan Sharma, Under Secretary, ECN
Ms. Laxmi Devi Homagain, Under Secretary, ECN
Mr. Surya Prasad Aryal, Under Secretary, ECN
Mr. Deepak Shrestha, Under Secretary, ECN
Mr. Ram Govinda Aryal, Under Secretary, ECN
Ms. Saroj Bhattarai, Under Secretary, ECN

OFFICIAL RAPPORTEUR

Mr. Devi Prasad Subedi, Section Officer, ECN

ORGANIZING COMMITTEES & MEMBERS

In order to coordinate and manage the preparatory activities of the fifth FEMBoSA meeting in a systematic way, the Election Commission, Nepal had formed four thematic committees and allotted specific role and responsibilities to respective ECN Commissioners and the secretariat staff to take the respective responsibilities in the committees as mentioned below.

High Level Policy Committee

Coordinator:

Hon'ble Commissioner Mrs. Ila Sharma , Election Commission, Nepal

Members:

Mr. Madhu Prasad Regmi, Secretary, ECN

Mr. Bir Bahadur Rai, Joint Secretary, ECN

Member-Secretary: Mr. Komal Prasad Dhamala/ Surya Prasad Aryal, Under Secretary, ECN

Main Organizing Committee

Coordinator:

Mr. Madhu Prasad Regmi, Secretary, ECN

Members:

Mr. Bir Bahadur Rai, Joint Secretary, ECN

Mr. Matrika Prasad Shrestha, Joint Secretary, ECN

Ms. Leela Devi Gadtaula, Joint Secretary, ECN

Mr. Sushil Koirala, Under Secretary, ECN

Mr. Subhash Chandra Rai, Under Secretary, ECN

Mr. Hari Prasad Joshi, Under Secretary, ECN

Mr. Megha Raj Pokhrel/ Baburam Shrestha, Under Secretary, ECN

Mr. Komal Prasad Dhamala/ Surya Prasad Aryal, Under Secretary, ECN

Mr. Eak Narayan Sharma, Under Secretary, ECN

Ms. Laxmi Devi Homagain, Under Secretary, ECN

Mr. Deepak Shrestha, Under Secretary, ECN

Mr. Ram Govinda Aryal, Under Secretary, ECN

Ms. Saroj Bhattarai, Under Secretary, ECN

Member-Secretary: Mr. Hemraj Aryal, Section Officer, ECN

Protocol and Correspondence Committee

Coordinator:

Mr. Bir Bahadur Rai, Joint Secretary, ECN

Members:

Mr. Komal Prasad Dhamala/ Surya Prasad Aryal, Under Secretary, ECN

Under-Secretary of the MoFA

Ms. Laxmi Devi Homagain, Under Secretary, ECN

Section Officer of the MoFA

Mr. Pradeep Bhattarai, Library Officer, ECN

Mr. Arun Jha, Section Officer, ECN

Member-Secretary: Mr. Yubaraj Guragain, Section Officer, ECN

Invitee Member:

Mr. Hemant Pathak, UNDP/ESP

Agenda and Documentation Committee

Coordinator:

Ms. Leela Devi Gadtaula, Joint Secretary, ECN

Members:

Mr. Gopal Prasad Aryal/ Chandra Bahadur Siwakoti, Under-Secretary, ECN
Mr. Eak Narayan Sharma, Under Secretary, ECN
Mr. Bhesh Raj Rijal, Section Officer, ECN
Mr. Devi Prasad Subedi, Section Officer, ECN
Mr. Badri Nath Gairhe, Section Officer, ECN
Mr. Santosh Bhandari, Section Officer, ECN
Mr. Suraj Prakash Aryal, Computer Engineer, ECN
Member-secretary: Mr. Rajendra Prasad Kadel, Section Officer, ECN

Invitee Members:

Ms. Nikila Shrestha, UNDP/ESP
Ms. Radhika Regmi, IFES

Logistics Management Committee

Coordinator:

Mr. Bir Bahadur Rai, Joint Secretary (Admin. Division) ECN

Members:

Mr. Subhash Chandra Rai, Under-Secretary, ECN
Mr. Deshbandhu Adhikari, Section Officer, ECN
Ms. Namrata Chudal, Section Officer, ECN
Mr. Om Prasad Rijal/Purna Bahadur Oli, Finance Officer, ECN
Member-secretary: Mr. Suman Ghimire, Computer Officer, ECN
Invitee Member: Mr. Sachin Karmacharya, UNDP/ESP

Liaison Officers

Liaison Officer(s)	Liaison Responsibility
Ms. Mamata Shrestha Mr. Devi Ram Pathak	Afghanistan
Mr. Churamani Panthi Ms. Prameela Koirala	Bangladesh
Mr. Ramkrishna Aryal Mr. Budhi Man Karki	Bhutan
Ms. Seeta Samba Mr. Ganesh Maharjan	India
Ms. Namrata Chudal Mr. Kumar Luitel	Maldives
Mr. Sameer Thapa	Pakistan
Mr. Bhola Dahal Mr. Madhav Aryal	Sri Lanka

SUMMARY REPORT

Chief Election Commissioners, Election Commissioners and senior officials from the eight EMBs of South Asia attended the 5th meeting of the FEMBoSA held from 29th-30th November, 2014, in Kathmandu, Nepal. The theme of the meeting, decided by the fourth FEMBoSA meeting in Bhutan was “Campaign Finance” – meaning formal financial transactions – donations or expenditures in cash or kind – related to electoral campaigns. The summary of the discussions held in the meeting has been presented below. The comprehensive account of all sessions is depicted in the detailed report.

The Inaugural Session

The inauguration programme was attended by the delegates of all member EMBs, prominent political personalities, senior civil servants, representatives from partner organizations, ECN officials as well as media correspondents. ECN Secretary Mr. Madhu Prasad Regmi facilitated the inaugural session.

1. The 5th meeting of FEMBoSA was inaugurated by Rt. Hon'ble Vice President of Nepal, Mr. Paramananda Jha as the Chief Guest.
2. Hon'ble Election Commissioner of Nepal Mrs. Ila Sharma delivered welcome speech and highlighted the objectives of the meeting. The Commissioner emphasized that campaign finance has to be regulated in order to ensure sanctity of the elections. She believed that the two days' sharing, brainstorming and discussions would enhance the capacity of South Asian EMBs to spearhead the change that the respective nations call for.
3. Hon'ble Chief Election Commissioner of Bhutan and outgoing chair of FEMBoSA Mr Dasho Kunzang Wangdi stated that the Forum was a young entity aimed at guaranteeing sound electoral practices in the EMBs of South Asia. The Hon'ble CEC expressed that the mutual efforts would facilitate achieving the long term mission of attaining vibrant democracies in the region.
4. Addressing the inaugural session, Hon'ble Chief Election Commissioner of Nepal Mr. Neel Kantha Uprety stated that Nepal was honoured to get to organize the meeting of the FEMBoSA for the first time immediately after the 18th SAARC Summit (22-27 November), also held in Kathmandu. The Hon'ble Chief Commissioner said the 5th FEMBoSA meeting had a meaningful significance, adding that the Forum had a long way to go in the midst of challenges. Recalling the past initiatives to create the Forum, the Hon'ble CEC requested all EMBs to make every effort to nurture FEMBoSA and promote harmony and cooperation among the member EMBs.
5. In his inaugural address, the Chief Guest Rt. Hon'ble Vice President Paramananda Jha stated that the FEMBoSA meetings would provide excellent opportunity to share and learn from the democratic exercises in the member countries which would promote professional and accountable electoral practices in the region. The Rt. Hon'ble Vice President also unveiled The Electoral Atlas, a recent publication of the ECN comprising maps of all 240 electoral constituencies and illustrative description of the results of Nepal's second Constituent Assembly Election, 2013.
6. Hon'ble Commissioner of ECN Dolakh Bahadur Gurung expressed heartfelt gratitude

to the Rt. Hon'ble Vice President, distinguished delegates from South Asian EMBs and the prominent invitees for their invaluable participation and contribution to make the FEMBoSA meeting a success.

The General Session

The general session was chaired by Hon'ble CEC of the Election Commission of Bhutan, outgoing chair of FEMBoSA, and facilitated by the Secretary at the ECN, Mr. Madhu Prasad Regmi.

7. Remarking that the time allotted to the EMBs was rather insufficient, the Hon'ble Election Commissioner of India proposed that each EMB be given additional minutes to share their experiences on campaign finance before adopting the meeting agenda. The Session Chair acknowledged the proposal and extended the time given for experience-sharing. The General Session then adopted the meeting agenda.
8. The outgoing chair of the Forum, Hon'ble Chief Election Commissioner of Election Commission of Bhutan presented the Stewardship Report. Key activities and major achievements in the past one year, as stated in the report, are given below:
 - The ECB presented the FEMBoSA logo made of crystal glass, and flags of the member-countries to be used at FEMBoSA events by the host country (Resolution No.1)
 - ECB requested the Association of World Election Bodies (A-WEB) to increase the number of seats allocated to Asia on the Executive Board of the A-WEB (Resolution No.4)
 - ECB launched and hosted the FEMBoSA website: www.fembosa.org (Resolution No.9)
 - ECB carried out a detailed and scientific study of the determinants of voters' choice to explore appropriate ways to facilitate women's political participation with inputs from the member countries. A consultative meeting was held in Paro to consolidate the study..
 - ECB designated September 15 as the National Voters' Day (NVD), coinciding with the International Day of Democracy (Bhutan observed her first NVD 15th September 2014) (Resolution No.14)
 - The Election Commission of Bangladesh invited a team from the FEMBoSA member countries to observe the General Elections in Bangladesh, held in January 2014. Two-member delegates – one each from the ECB and the ECI – observed the 10th Parliamentary elections of Bangladesh (Resolution No. 6)
 - Upon the invitation of the ECI, delegations from the member countries visited India on a study visit of the 16th Lok Sabha (House of the People) Elections 2014. All delegates visited Shimla from 4th-9th May 2014 to observe and learn from the Indian general elections. (Resolution No.6)

- The Chief Election Commissioner of Bhutan and Election Commissioners from the FEMBoSA observed the post-election processes and vote-counting of Maharashtra and Haryana State Legislative Assembly Elections from 17th-22nd October 2014. The delegates also attended a Workshop on Democracy and Election Management in New Delhi. The ECN Hosted the visit of the Chief Election Commissioner of Bhutan to discuss the issues for the 5th FEMBoSA meeting from 7th -10th June 2014.
- ECN organized the 5th FEMBoSA meeting in Kathmandu from 29th -30th November 2014. (Resolution No.10)

9. The Hon'ble CEC of Election Commission of Bhutan handed over the FEMBoSA Chair to the Hon'ble CEC of the Election Commission, Nepal by signing and presenting the Forum Chair's documents, including the Stewardship Report
10. The new Chair of the Forum Hon'ble Chief Election Commissioner of Nepal thanked the outgoing Chair Hon'ble Chief Election Commissioner of Bhutan and appreciated the work and progress made during Bhutan's chairpersonship, and expressed gratitude to all member EMBs for their excellent support all along.
11. On behalf of all delegates, the Chief Election Commissioner of Bangladesh and the Election Commissioner of India expressed deep gratitude to the outgoing Chair and congratulated the new Chair of the FEMBoSA. They also pledged to extend their full and unconditional support to FEMBoSA's new chair to keep the flag of Forum flying high.

The Technical Sessions

The technical sessions, in which ten thematic presentations were made by the delegates were facilitated by Mr. Madhu Prasad Regmi, Secretary, ECN. Every presentation was managed with a chairperson and a discussant from among the delegates of different EMBs.

12. Hon'ble Chief Election Commissioner, ECN, Neel Kantha Uprety presented a comprehensive inter-thematic paper entitled "Campaign Finance: Nepal's Experience". The paper highlighted the general practices and legal instruments utilized, analysed campaign finance, regulatory mechanisms and spelled out the need for political finance reform. It was concluded that reform initiatives in campaign finance regulation must be based on in-depth understanding of actual practices. Several recommendations were made, including transparency in political parties, checking abuse of state resources, oversight authority to EMB and capacity enhancement of the stakeholders. All Forum members contributed to the discussion by elaborating on the provisions put into practice by the respective EMBs regarding Campaign Finance Regulation. With articulation of the importance of regional standards by Hon'ble Member of the Election Commission of Pakistan, Hon'ble Commissioner of ECI proposed to carry out a Regional Initiative by FEMBoSA to work on Campaign Finance Regulation Standards for the region. Hon'ble Commissioner of Elections from the Department of Elections of Sri Lanka, seconded the proposal. Upon discussion, the Forum decided to undertake this initiative.
13. Hon'ble CEC of Election Commission of Bangladesh Kazi Rakibuddin Ahmad made a presentation on "Service Condition of Election Commission Officials of Bangladesh". The pay scale, allowances, special benefits for the election officials and emoluments of

temporary human resources were elucidated in the presentation. The Forum also carried out a comparative discussion on the provisions of electoral services, incentives provided to election officials and issues, such as, recruitment, retention, power & authority among the South Asian EMBS.

14. A paper entitled “Media Commission in Afghanistan” was presented by the Hon’ble chairman of the Independent Election Commission of Afghanistan Ahmad Yusum Nuristani. The paper highlighted Media Commission’s objective, composition/structure, legal framework, mandates and achievements, challenges and recommendations for making it more effective. The members admired the efforts made by the Commission in the area of media monitoring. The Forum acknowledged working on a common minimum regional standard of media relations for the South Asian EMBS.
15. Hon’ble CEC of Election Commission of Bhutan Dasho Kunzang Wangdi made a presentation on “Independent Election Management Body: The Weakest Link in Bhutanese Electoral Democracy”. The presentation highlighted the constitutional provisions for independence of the Election Commission of Bhutan and legal provisions for the institutional and operational arrangements. It was noted that ECB has been exercising relatively better independence/autonomy in relation to financial and personnel management. ECB has its own staff and the required budgets are approved by the legislative as per the proposal of the ECB. The participating Election Commissioners and officials contributed to the discussion by sharing their own experiences and degree of autonomy given to or enjoyed by the respective EMBS. It was noted that, among the South Asian EMBS, the Election Commission of India was exercising greater autonomy. The Forum acknowledged the need to work collectively to maintain a regional standard of autonomy for the EMBS.
16. Hon’ble Election Commissioner of the Election Commission of India, Nasim Zaidi and Director Yashvir Singh, ECI, presented a paper entitled “Toward Inclusive and Participative Election: SVEEP Success”. With implementation of Systematic Voters Education & Electoral Participation (SVEEP) programme, ECI has been making efforts to ensure that every elector goes to the polling station to cast her vote. The focus of ECI in the recent times has been to make the elections inclusive through increased participation of women and minority voters and to enable the electorate to take an informed decision while casting their ballots. The Forum appreciated the efforts being made by the ECI towards making the Indian elections paticipative. Election Commissioners and officials from the EMBS also shared their own efforts geared towards enhancing the quality and quantity of voting through voter education.
17. A paper entitled “Electoral Reform: Use of ICT in Elections Management” was presented by Mr. Ahmed Muaz, Assistant Director,ICT, Election Commission of the Maldives. His paper gave detailed reform initiatives made by the Election Commission of the Maldives for the automation of electoral management technologies through Election Management System (EMS) with its integrated subsystems for Registration, List Generation, Result Processing, Ballot Box Management, Candidates management, and Observers/ Candidates management. The Forum appreciated the initiative of Maldives to integrate and automate electoral management activities through technology and indicated that the experience could be applicable to other EMBS in South Asia as well.
18. Hon’ble Dr. Rambhakta P.B. Thakur, Election Commissioner of Nepal, presented a

paper on “Electoral Reforms in Nepal: A Trajectory” highlighting the reform initiatives undertaken by ECN in reshaping the institutional, legal and operational framework of the ECN in line with the political and social transition of the country. His presentation recommended the way forward for ECN to achieve excellence in electoral management. The Forum applauded the efforts made by ECN and suggested that the future initiatives could also focus reforms in areas of Campaign Finance and Media Management

19. Hon’ble Justice (R) Fazal Ur Rahman, member of the Election Commission of Pakistan (ECP), made a presentation entitled “Electoral Reforms: Technology Based Elections”. Presenting the principles to be considered while choosing the new technology, the Hon’ble Justice noted that the Commission had introduced modern technologies in the electoral processes to remove the anomalies through strategic planning process. The members shared initiations made by the respective EMBs and appreciated the endeavors made by the ECP.
20. Hon’ble Commissioner of Elections, Department of Elections, Sri Lanka, Mahinda Deshapriya delivered presentation on “Media and Elections” with highlights on the role of media in elections, media freedom and electoral fairness. His presentation dealt with legal provisions, challenges encountered during elections and the linkage between media and elections. The members had a comprehensive discussion on the current status of social, print and broadcast media in the respective countries and challenges faced by the EMBs and caution to be taken while dealing with and mobilizing the media during the elections.
21. Inter-thematic comprehensive presentation on “Determinants of Voters’ Choice and Women’s Political Participation” was delivered by Mr. Kibu Zangpo, Election Officer, ECB. As decided by the fourth FEMBoSA meeting, the ECB had carried out a scientific study to explore the determinants of voter’s choice and to recommend appropriate steps to facilitate women’s political participation. Mr Zangpo elaborated the process and findings of the study. The study recommended that quota or any form of reserved representation should not be viewed as the ultimate solution to enhance political participation and representation of women. The essence is to directly deal with the core issues relating to social, cultural and economic factors that ultimately affront the women’s political participation. The members admired the comprehensive study made by the ECB as an important issue and noted that the findings would have legislative as well as practical implications for the EMBs of South Asia.

Presentations by Support Organizations

Short presentations were made by the representatives from UNDP/ESP, IFES and International IDEA regarding their supportive roles in electoral management process. The Forum appreciated the efforts made by the donor partners and expected continued support for the EMBs.

RESOLUTIONS ADOPTED BY THE 5TH FEMBoSA MEETING

Recalling the objectives as envisaged in the Forum Charter and Thmphiu Resolutions, 2013;

Reaffirming our commitment to ensure free and fair elections promoting participatory and inclusive democracies;

Accepting that inclusion and participation of eligible electors as the cornerstone of free and fair elections;

Admitting the importance of voters' education in general and women voter's education in particular for informed voters' choices;

Recognizing the importance of autonomous and independent **Election Management Bodies (EMBs)** for strengthening democracy;

Appreciating that Research and Development, Technological Advancement and Electoral Reforms for transparency and purity of electoral processes are of utmost importance for electoral excellence; and

Acknowledging that constructive and proactive media engagement is essential for election management;

Realizing that campaign/political finance regulation is necessary for fair, free, transparent and effective election management;

We, the member EMBS of **Forum of Election Management Bodies of South Asia (FEMBoSA)**, namely Afghanistan, Bangladesh, Bhutan, India, the Maldives, Nepal, Pakistan and Sri Lanka assembled here at the fifth Meeting of FEMBoSA held on 29th and 30th of November, 2014 in Kathmandu, Nepal adopt unanimously the following Resolutions :

1. Commend the excellent role played by the Election Commission of Bhutan in forming active and effective coordination among member EMBS of FEMBoSA during its Chairmanship.
2. Adopt "**Free and Fair Election: Pride of Nation**" as the motto of the Forum of Election Management Bodies of South Asia.
3. Welcome the proposal made by Election Commission, Nepal for the establishment of a centre for research, exchange, documentation and consolidation of electoral learning and innovations taking place among the South Asian election management bodies. Such a Centre will be called the "**South Asian Institute for Democracy and Electoral Studies (SAIDES)**" and will be located in Kathmandu,

The institute will endeavour to set up a work plan and carry out the following studies, which will be coordinated by the FEMBoSA secretariat:

- 3a. Recognize that regulation of campaign finance is now embedded in FEMBoSA's work. FEMBoSA will endeavour to build on this theme by conducting a study to analyse the current status of campaign finance, organise a regional seminar coordinated by the FEMBoSA secretariat, establish a regional research network on Campaign Finance and frame an aspirational common minimum requirements for South Asia Region.
- 3b. Recognising that use of technology is crucial to conduct of free and fair elections,

member EMBs of FEMBoSA will carry out a regional FEMBoSA study on the current status in various EMBs and an initial map of the way forward.

3c. Acknowledging the importance of autonomous and independent EMBs for strengthening democracy, the forum resolves on regional collaboration on autonomy and independence of EMBs and decides to establish a regional FEMBoSA study network whereby the Forum will conduct a study on the current comparative status of autonomy and independence of all member EMBs and set aspirational common minimum requirements in the region.

3d. Acknowledging the importance of media monitoring as well as the press office, the member EMBs of FEMBoSA will:

- Conduct a FEMBoSA regional study on the current status and sustained media engagement
- Conduct a regional seminar to share the study and map out the way forward
- Prepare a model media manual for EMBs on handling their press office and conducting media monitoring
- Develop an aspirational common minimum requirement of media monitoring and media regulations

All the aforementioned activities will be coordinated by the FEMBoSA secretariat. However, the member EMBs will actively participate in the research and offer to host the regional seminars.

4. Decide that member EMBs of FEMBoSA will endeavour to introduce electoral/voter education curriculum at school level to spread electoral literacy.
5. Decide that each member EMBs of the FEMBoSA will endeavour to ensure inclusion and gender equality in overall electoral processes and systems as per their demographic structure.

FEMBoSA suggests each EMBs to consider appropriate measures to address voter registration and voting of the out-of-country citizens according to the need of respective EMBs, having realised the necessity of such measures.

6. Decide that member EMBs of FEMBoSA will organize exposure visits for other EMBs to share experiences and best practices during their countries' elections and at other times suitable for them.
7. Decide that member EMBs of FEMBoSA will conduct regular capacity development exercises in the member country's respective training institutes as an essential activity for enhancement of capacity of officials and staff of member EMBs of FEMBoSA. Such capacity building exercises will be inclusive and suitably and preferably represented by female election administrators.
8. Accept the proposal made by Hon'ble Mahinda Deshapriya, Commissioner of Elections, Department of Elections, Sri Lanka, to host the Sixth Meeting of FEMBoSA in response to the request made by Hon'ble Neel Kantha Uprety, Chief Commissioner of Nepal at the Closing Session of the Meeting. The Meeting proclaims that the date will be decided by the host EMB in consultation with the Chairperson of FEMBoSA. The Meeting further agrees that the theme for the Sixth Meeting of FEMBoSA could include "Autonomy and

Independence of Electoral Management Bodies" as proposed by Hon'ble Chief Election Commissioner of Nepal.

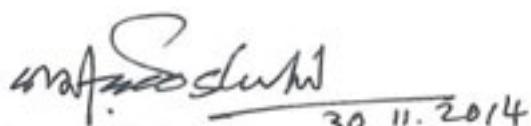
9. Decide that the proceeding of FEMBoSA Meetings will be published by the host country after holding of the Meeting. Besides such a publication, the host country will also publish an annual standardized publication of academic value on the key thematic areas of FEMBoSA Meeting at the end of an annual conference proposed in the work plan.
10. The forum suggests that each member EMBs of FEMBoSA will observe a day in each calendar year to mark the importance of role played by voters in strengthening democracy.

Done and concluded at Kathmandu on this 30th of November, 2014.

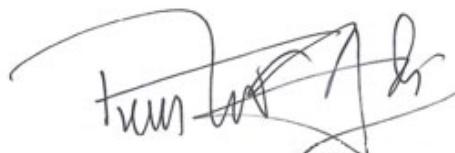
The names of the Heads of delegation, EMBs and signatures go here:



1. His Excellency Ahmad Yusuf Nuristani, Chairman, Independent Election Commission of Afghanistan


30.11.2014

2. His Excellency Kazi Rakibuddin Ahmad, Chief Election Commissioner, Election Commission Bangladesh



3. His Excellency Dasho Kunzang Wangdi, Chief Election Commissioner, Election Commission of Bhutan


30/11/14

4. His Excellency Dr. Nasim Zaidi, Election Commissioner, Election Commission of India



5. His Excellency Ismail Habeeb Abdul Raheem, Election Commissioner, Election Commission of Maldives



6. His Excellency Neel Kantha Uperty, Chief Election Commissioner, Election Commission, Nepal



7. His Excellency Justice (R) Fazal-Ur-Rahman. Member, Election Commission of Pakistan



8. His Excellency Mr. Mahinda Deshapriya, Commissioner of Elections, Department of Elections, Sri Lanka

FEMBoSA WORK PLAN FOR 2015

Activity	Responsibility	1	2	3	4	5	6	7	8	9	10	11	12
Establish SAIDES in Kathmandu	ECN												
Carry out Study on Current Status of Political Finance practices in FEMBoSA Member EMBs	Secretariat and member EMBs												
Frame Aspirational Common Minimum Requirements on Political Finance for South Asia Region	Secretariat												
Carry out regional study on the use of technology in South Asian EMBs	Secretariat and all member EMBs												
Carry out study on current comparative status of autonomy and independence of all FEMBoSA EMBs	Secretariat and all member EMBs												
Frame Aspirational Common Minimum Requirements on autonomy and independence for South Asia Region	Secretariat												
Conduct a FEMBoSA regional study on the current status and sustained media engagement	Secretariat and Member EMBs												
Prepare a model media manual for South Asian EMBs on handling their press office and conducting media monitoring	Secretariat												
Develop an aspirational common minimum requirement of media monitoring and media regulations for South Asia region	Secretariat												
Endeavour to introduce electoral/voter education curriculum at school level to spread electoral literacy	all member EMBs												
Endeavour to ensure inclusion and gender equality in overall electoral processes and systems as per the demographic structure of the country	all member EMBs												
Conduct regular capacity development activities through member country's respective training institutes for capacity enhancement of officials and staff of member EMBs.	member EMBs												

Activity	Responsibility	1	2	3	4	5	6	7	8	9	10	11	12
Conduct a regional seminar to share the study results and map out the way forward	Secretariat										■	■	
Publish Detailed Report of the 5th Forum Meeting	ECN				■								
Publish annual standardized publication of academic value on thematic area	ECN									■	■	■	
Each member EMB observes a day in each calendar year to mark the importance of role played by voters	member EMBS	■	■	■	■	■	■	■	■	■	■	■	■

THE AGENDA

Agenda for the 5th Meeting of
Forum of Election Management Bodies of South Asia (FEMBoSA)
29 – 30 November, 2014, Kathmandu

29th OF NOVEMBER 2014 (FIRST DAY)

Venue: Hotel Soaltee Crown Plaza, Megha Malahar Hall, Tahachal, Kathmandu.

07:30- 08:30 Breakfast

08:30- 08:45 Registration of the participants

08:45 All the participants and Guests to be seated

08:55 Arrival of the Chief Guest, Rt. Honorable Vice President of Nepal, Mr. Parmananda Jha

INAUGURAL SESSION (9:00-09:55)

- National Anthem
- Welcome address: By Hon'ble Election Comissioner Ms. Ila Sharma, Coordinator, High Level Organising Committe
- Inauguration of Program by lighting the lamp: By the Chief Guest, Rt. Hon'ble Vice President of Nepal, Mr. Parmananda Jha
- Statement: By the Chief Election Commissioner of Bhutan, Dasho Kunzang Wangdi, Current Chairperson of the FEMBoSA
- Statement: By Hon'ble Chief Election Commissioner of Nepal, Mr. Neel Kantha Uprety
- Inaugural Address: By the Chief Guest, Rt. Honorable Vice President of Nepal, Mr. Parmananda Jha
- Vote of Thanks: By Hon'ble Election Commissioner of Nepal, Mr. Dolakh Bahadur Gurung

09:55- 10:00 Group Photo with the Chief Guest

10:00- 10:15 Tea and Refreshment

GENERAL SESSION I (10:15-10:40)

- Chair: Election Commission of Bhutan
- Adoption of Meeting Agenda
- FEMBoSA Stewardship Report
- Address: By the Chief Election Commissioner of Bhutan, upon 'Handing Over of the Chair' from Election Commission of Bhutan to Election Commission, Nepal
- 'Acceptance of Chair' Address: By the Chief Election Commissioner of Nepal

TECHNICAL SESSION

a) (Inter-Thematic Session) I (10:40- 12:10)

- Presentation: Nepal
- Topic: Campaign Finance
- Chair: Bhutan
- Contribution: By All Member EMBs

b) Technical Session II (12:10- 12:40)

- Presentation: Afghanistan
- Topic: Media Commission
- Chair: Sri Lanka
- Discussant: Pakistan

c) Technical Session III (12:40- 13:10)

- Presentation: Bangladesh
- Topic: Service Conditions of Election Officials in Bangladesh
- Chair: Pakistan
- Discussant: Sri Lanka
- Lunch 13:10-14:00

d) Technical Session IV (14:00- 14:30)

- Presentation: Bhutan
- Topic: An Independent Election Management Body: The Weakest Link in Bhutanese Democracy
- Chair: Nepal
- Discussant: Maldives

e) Technical Session V (14:30- 15:00)

- Presentation: India
- Topic: Towards Inclusive and Participative Elections, the SVEEP Success
- Chair: Maldives
- Discussant: Nepal

f) Technical Session VI (15:00- 15:30)

- Presentation: Maldives
- Topic: Electoral Reform: Use of Technology
- Chair: Bhutan
- Discussant: India

15:30 - 15:45 Tea Break

g) Technical Session VII (15:45- 16:15)

- Presentation: Nepal
- Topic: Electoral Reforms: A Trajectory
- Chair: India
- Discussant: Bhutan

h) Technical Session VIII (16:15- 16:45)

- Presentation: Pakistan
- Topic: Electoral Reforms on Technology based Elections
- Chair: Afghanistan
- Discussant: Bangladesh

i) Technical Session IX (16:45- 17:15)

- Presentation: Sri Lanka
- Topic: Media and Elections

- Chair: Bangladesh
- Discussant: Afghanistan

18:00 Cultural Programme, Reception and Dinner

30th OF NOVEMBER 2014 (SECOND DAY)

08:00 - 09:00 Breakfast

j) Technical Session (Inter-Thematic Session) X (09:00- 10:30)

Presentation: Bhutan

Topic: Increasing Women's Participation in Elective Offices

Chair: Nepal

Contribution: By All Member EMBs

GENERAL SESSION II (10:30- 11:00)

FEMBOSA Next step

Chair: Chairperson, FEMBOSA, Election Commission of Nepal

Suggestions for draft work plan 2014-2015

Plenary viewing of Kathmandu Resolutions

11:00 - 11:15 Tea Break

GENERAL SESSION III (11:15- 11:45)

An Introduction of Supporting Development Partners and their Contribution

(By UNDP/ESP, IFES and International IDEA)

Presentation Time: 10/10 Mins. for each Institution

CLOSING SESSION (11:45- 13:15)

Chair: Chairperson , FEMBOSA, Election Commission of Nepal

Forum Summary Report

Adoption of Kathmandu Resolution 2014

Concluding Remarks (all Member nations)

Closing remarks: By Hon'ble Chief Election Commissioner of Nepal, Mr. Neel Kantha

Uprety, Chairperson of FEMBOSA

Vote of Thanks:

Note: Each Technical Session except Inter-thematic session will have 20 minutes of presentation, 5 minutes for Discussant and another 5 minutes for the Chair.

13:15 - 14:15 Lunch

14:15 - 14:45 Meet the Press

14:45 - 15:00 Hi-Tea for the Press

15:00 - 18:00 Sight Seeing (Hanuman Dhoka Durbar Square and Swoyambhu)



INAUGURAL SESSION



Welcome Address

Hon'ble Commissioner Mrs. Ila Sharma
Election Commission, Nepal

INAUGURAL SESSION

Statement by the FEMBoSA Chair



Hon'ble Chief Election Commissioner of Bhutan,
Dasho Kunzang Wangdi

Hon'ble Chief Guest Right Hon'ble Vice President of Nepal
Distinguished Delegates, Respected Guests, and
Ladies and Gentlemen!
Namaskar!

I am excited to be once again here in Kathmandu, as the incumbent Chair to attend the Fifth FEMBoSA Meeting, at a place where soon the second Constituent Assembly of Nepal would adopt the Constitution of the Republic of Nepal under which the first-ever democratic Elections for election of Parliament of Republic of Nepal will be conducted. I believe the people of Nepal are holding their bated breath awaiting the formation of the democratic and the newest Republic. There is no doubt that it would uplift the wellbeing and bring better days for people of Nepal, particularly those in rural areas. We in Bhutan keep a close watch and wish for it to happen at the soonest, for a democratic, stable and progressing Nepal is very much in our mutual interest as Himalayan brethren. Our two countries have close historical and cultural ties. Every day countless Bhutanese come here for pilgrimage, leisure and trade.

I am also happy that our meeting is taking place at the heels of the SAARC Summit in Nepal. Our political leaders, whose elections all of us have conducted, I believe had covered many far-reaching regional issues, setting tone for greater regional cooperation and friendship within the subcontinent. And similarly we wish to contribute in our own ways to Electoral Democracy.

I would like to thank the Election Commission of Nepal for inviting us to Nepal for the Fifth Meeting of FEMBoSA. I always feel welcome in Nepal as I have so many friends with whom we share many common interests and values. Similarly, it is indeed an honour and a privilege for availing this opportunity to interact with a galaxy of electoral practitioners and dignitaries in pursuit of our common goals of ensuring credible elections.

As the Chair of FEMBoSA, the Asian Club of Election Management Bodies otherwise lonely establishments, I am duty-bound to thank the Hon'ble Chief Guest His Excellency the Rt. Hon'ble Vice President of Nepal for being with us this morning, sparing Your Excellency's precious time to motivate and guide us. I extend a warm welcome to Your Excellency on behalf of FEMBoSA.

FEMBoSA, is still a young entity. It has a long way to go and Your Excellency's presence amidst us gives us encouragement and confidence for us to guarantee sound electoral practices in the region; a region which is the home of also the largest democracies of the world. We could indeed play a leadership role.

Your Excellency,

Bhutan has experienced democracy for almost 9 years. It has seen the first and second historic parliamentary elections. These were preceded by nationwide mock parliamentary elections.

Bhutanese elections, like the Nepalese ones, were declared as "inclusive by the EU Election Observation Mission". The results were felicitated and welcomed by the US State Department on their website and Governments of many other democratic countries congratulated a secular Bhutan.

The Second Parliament of Bhutan is in session conducting its legislative role actively this very month.

Democracy in Bhutan, where voters can exercise their right and will to elect a government of their choice is one that is being introduced by the King, not by people's struggle or revolution. It was ushered in at a time when the nation was enjoying unprecedented economic progress, peace and stability; when the Governance of the Nation was imbued with intrinsic values of Good Governance. It was predominantly guided by the National Philosophy of Gross National Happiness (GNH). A vision that encompasses and committed to take everyone along the path of peace, happiness and growth.

To the astonishment of many critics and cynics, democracy in Bhutan is proudly regarded by Bhutanese as a gift from the Throne. A Gift from a King who abdicated Kingship voluntarily at a prime age of 52, in order to usher in the Democratic Constitutional Monarchy in both spirit and form - "of the people, for the people and by the people". This reality was affirmed and acknowledged to be so, by a distinguished Statesman, none other than the President of India during his State Visit to Bhutan, this month.

If I may quote His Excellency Pranab Mukherjee, President of the Republic of India:

“... both India and Bhutan are proud democracies. Whereas Indians had to fight for their independence, the people of Bhutan were bestowed this precious gift by the reigning monarch himself. India chose to be a socialist secular democratic republic. Mahatma Gandhi, the apostle of peace and non-violence who led India to freedom from colonial rule, believed in the basic human tenets of freedom, liberty and independence which are at the core of the Indian Constitution. In Bhutan, His Majesty King Jigme Singye Wangchuck, the Fourth King, himself guided the drafting of Bhutan’s Constitution, after a process of consulting Bhutanese citizens across the length and breadth of the country. The Constitution of Bhutan, in its final form, has been welcomed and embraced by the people of Bhutan. They have proven, through two general elections, that the transition has been smooth and successful ... We stand by the people of Bhutan as they move ahead as a constitutional monarchy and parliamentary democracy.”

Excellencies, Ladies and Gentlemen,

May I now take the opportunity to inform that, in keeping with the resolution of the FEMBoSA, Bhutan celebrated its First National Voter’s Day on 15th of September 2014 in all twenty Dzongkhags of the Kingdom, coinciding with observation of the International Day of Democracy.

Bhutanese actively engage in democratic dialogues. For instance, all registered Political Parties have recently initiated a move to come together as “Bhutanese First” and signed a Charter for Bhutan Democracy Dialogue, while on the other hand, schools and colleges sensitize themselves regularly in the democratic process through Democracy Clubs, serving also as mini election management bodies. Soon Bhutanese youth will act out works of Parliament through the Bhutan Youth Parliament.

The Network of Bhutanese for Electoral Democracy in Bhutan known as Network and Volunteers for Voter Information, Communication and Education known popularly as (Volunteer-VOICE) programmes further strive to ensure a vibrant democratic culture for all years to come and for all future Bhutanese.

An E-Learning Platform has been initiated by ECB. It is expected to supplement our efforts in civic and voter education for all Bhutanese. Civic and voter education that are being pursued actively to educate voters and help build capacity of the electoral officials. All these measures are targeted to achieve the long-term visions of ensuring a vibrant Democracy.

Excellencies, Ladies and Gentlemen,

FEMBoSA, is an epitome of our shared and common commitment and dream. It is to promote and strengthen electoral democracy in the South Asia. It has come a long way in the last 5 years. From a small, but profound, beginning made in 2010. Prior to Bhutan, under the leadership of the founding members of the Election Management bodies of South Asia Bangladesh, India and Pakistan respectively hosted the earlier meetings of the Forum. FEMBoSA serves as the only platform for regional cooperation in the field of electoral democracy, and for electoral democracy to take firm root in the subcontinent.

We have achieved all targets set by successive forums, including the very recent and unprecedented study on women’s participation in elective offices and determinants of voters’ choice. From the reviews it emerged that generally, 1) education of women, and 2) civic and voter education for both men and women are the most urgent need of the hour.

Excellencies, Ladies and Gentlemen,

Over the next two days, we should also review and work on desirable standards for the election management bodies for the region. Given our experiences of managing and administering elections there is lot that can be capitalized as best practices to be shared. Our theme for the Fifth FEMBoSA Meeting here at Kathmandu is the issue of "Regulating Election Campaign Finance: Ensuring Free and Fair Elections". In the interest of principled election campaigning, how elections and campaigning is financed is indeed a determining factor and requires our urgent consideration. In elections, parties, candidates and supporters have the tendency to splurge resources, squandering the scarce national resources. While most of us gathered here agree that election campaign financing can be less costly, there is scope for elections to be easily contested with lesser resources. Therefore, measures to encourage parties, candidates and supporters to carry out resource-efficient election campaigning should be deliberated and recommendations offered. It can be our timely contribution for governments to consider as to how best elections can be kept free from Muscle and Money Power.

Free and fair elections are possible and feasible if the EMBs are themselves free of political and partisan control. As such it would be timely for FEMBoSA to carry out a discussion of prevailing systems and come out with standard norms of independence to be followed by all Election management bodies as we are the weakest Link in democratic systems. In addition, moving with times we need to consider ways to effectively use, monitor and control ICT and social media, particularly during elections towards ensuring free and fair elections, towards ensuring level playing field for all stakeholders, as well as efficient and corruption-free elections. I am confident that if we can harness and manage ICT and social media in elections each one of us will stand to benefit.

Last but not the least, my delegation and I would like to sincerely thank the Government of Nepal, friendly people of Nepal and officials in Election Commission of Nepal under the abled leadership of H.E. Neel Kantha Uprety, CEC, for the warm hospitality and support provided to us with the excellent arrangements.

We look forward for two days of very constructive deliberation and expect this Meeting here at Kathmandu to bring further fillip to the energized mood that most of the EMBs of the region are in.

In closing, let me extend my good wishes and offer our solidarity to those EMBs which are currently conducting state assembly elections in India and the presidential election in Sri Lanka .

Thank You!

INAUGURAL SESSION

Statement by the Chief Election Commissioner of Nepal



Hon'ble Chief Election Commissioner of Nepal,
Neel Kantha Uprety

I am pleased to welcome our distinguished guests and delegates from the Electoral Management Bodies of South Asia to this beautiful city of Kathmandu.

Now Let me express my sincere appreciation to Hon'ble Dasho Kunjang Wangdi, the Chief Election Commissioner of Bhutan, for his excellent chairmanship of FEMBoSA during the last one year after the leadership was handed over to him by the former chair of FEMBoSA - the Hon'ble Chief Election Commissioner of India.

Election Commission of Nepal feels greatly honoured and privileged to host the Fifth Meeting of the Forum of Electoral management Bodies of South Asia (FEMBoSA) for the first time. This meeting holds special significance as it has been held immediately after the historic SAARC summit, where the Heads of States and Governments from the SAARC region have pledged to reinforce mutual partnership, cooperation and deeper integration for the betterment of the peoples of the region.

Needless to say, FEMBoSA is our own brainchild. It was in 2010, we, the heads of the EMBs from the SAARC member countries assembled in Dhaka, Bangladesh and conceived the idea of establishing a common forum to promote contacts among ourselves to learn from each

other's experiences. The Third FEMBoSA Meeting held in New Delhi, India, in April 2012, adopted its Charter, giving it the institutional shape. Since then, FEMBoSA has made tireless efforts to strengthen itself and prove its excellence towards achieving better harmony and cooperation between and among the EMBs.

Of course, countries in South Asia have different forms of democratic governance systems. The electoral systems and practices also vary considerably. However, the EMBs from South Asia are committed to promote fairness and credibility of the entire electoral processes, thus engineering elections as a vehicle for democratic transformation of the member states. Such a 'harmony with difference' has proved to be a thread keeping us united and undivided. Also, it has offered ample opportunities to learn from each other's strengths, weaknesses and experiences. Since inception, we have travelled a memorable journey, and we have a long way to walk together. The road ahead is not free from hurdles and challenges.

Independence and impartiality of EMBs nor fairness and sanctity of electoral processes can be considered in isolation. Rather, they very much depend on the democratic culture, political set up, socio-economic conditions and popular understanding of our jurisdictions. If we take such factors into account, South Asia often does not present a rosy picture. Owing to the lower level of these indicators, elections and EMBs in the region have often been alleged of being unfair and their legitimacy has been questioned. The voters in many instances have had to compromise with their rights to participate in the electoral process. Political stability depends on sincere democratic practices and democracy can thrive only when periodic elections are conducted in free and fair manner. This can only be achieved through building trust and confidence in the electoral process and the EMB. FEMBoSA is intended to build trust and confidence in the conduct of election through the principles of integrity, honesty, transparency and accountability. These principles could establish EMBs within the region as the true custodians of democracy in respective countries.

The main theme for discussion during this Meeting, as decided by the Fourth Meeting held in Thimphu, Bhutan, in 2013, has been chosen as "Campaign Finance". We all are aware that the inter-relationship between money and politics is fundamental yet complex and controversial, which almost all democratic systems at present have to confront. Although, money is essential for political parties for taking part in elections, excessive use of unregulated money during such events may undermine democratic values and threaten the growth of emerging democracies. The influx of improper financial means in politics and its influence on political decisions has always remained a matter of concern for our region and the world over. Scandals, organized crimes and corrupt practices linked to the financing of political parties are commonly heard. Such untoward developments have led to a gradual loss of independence and integrity of political parties on the one hand; and a general apathy about political system among the common people, on the other. This is undoubtedly a worrying situation for many countries, especially developing democracies like ours, which are struggling hard for being institutionalized amidst situations of political transition, social unrests, economic woes and ethnic upheavals. Apart from this, the elections are becoming costlier by the day, and it has been observed that contesting and winning elections have virtually become a venture affordable for the rich and the elite only. This meeting is expected to devise ways to control the use of such money for elections and to make the elections free, fair and accessible to all – not just the mighty rich. Besides, presentations and discussions will be held on other contemporary issues that will be immensely beneficial to all of us. Likewise, the Meeting will offer a rare opportunity to better understand each other and further strengthen individual and institutional relations among the EMBs.

Finally, I would like to express my sincere thanks and gratitude to Rt. Hon'ble Vice President of Nepal Paramananda Jha for kindly accepting our request to inaugurate this meeting. We feel very much honoured with the gracious presence of the Rt. Hon'ble Vice President, honorable ministers, heads and members of the constitutional bodies, the Chief Secretary, secretaries and senior government officials and other distinguished invitees here.

I would also like to express my warm regards and appreciations to our valued guests from the Electoral Management Bodies of South Asia who kindly accepted our invitation and spared time to be here in Kathmandu. I would like to assure that the Election Commission of Nepal will make best possible efforts to make this meeting productive and memorable.

Thank You !!

INAUGURAL SESSION

Keynote Address by the Chief Guest



Rt. Hon'ble Vice President of Nepal
Paramanand Jha

I am pleased and privileged to have this opportunity to attend the inaugural ceremony of the 5th meeting of Forum of Electoral Management Bodies of South Asia (FEMBoSA) organized by the Election Commission of Nepal.

On this occasion, I would like to heartily thank the Election Commission of Nepal for having such an important conference for the first time in Nepal and also extend my warm welcome to all the foreign participants in Kathmandu.

As you all know, in the recent past, all the countries of South Asia have, one way or another, undergone through the electoral processes in course of strengthening democracy and democratic practice in their land. In this context, I believe that this Meeting can provide an excellent opportunity to share and exchange ideas, expertise and knowledge of good practices among participants based on the experiences of such democratic exercises and electoral events in their respective countries and will also serve as a platform to learn from each others' experiences in promoting professional, impartial, accountable and sustainable electoral management practices in the best interests of our citizenry.

With respect to Nepal, we too have gone through a number of elections at different levels under different systems, which have, more or less, contributed to consolidate democratic

practice at the people level and establish the Election Commission of Nepal as a professional and reliable electoral management body to hold any kind of election in our country.

In a bid to put an end to the present transition and bring the ongoing peace process to a successful conclusion, Nepal has adopted a democratic election management system as per the aspirations of the Nepalese people. The Election Commission, Nepal, indeed deserves credit and applause for successfully concluding election to the 2nd Constituent Assembly on November 19, 2013 in a free and credible manner. Presently, Nepal is in a course of framing a new constitution, during which matters relating to electoral system and election management are certain to surface as one of the major issues. I am confident that the political parties of Nepal will effectively address these issues and come together for promulgating a democratic and inclusive constitution at the earliest.

We are trying to make the elected bodies of Nepal more proportional and inclusive and the experiences and achievements in this regard can be valuable for developing democracies across the world. Commitment of political parties to a new electoral system for ensuring inclusion and proportionality and increased level of political awareness among the Nepalese people are some of the avenues which offer good opportunities for future reforms in Nepal. In the same way, the role and attitudes of political parties, circular effect of poverty, ignorance and illiteracy are some daunting challenges that a developing democracy like Nepal is likely to face and will have to tackle and manage these obstacles successfully to maintain integrity and sanctity of the entire electoral process, so as to meaningfully strengthen the whole democratization process in the future.

There is a growing concern among the populace that with the improper influence of financial means and corrupt practices linked to political parties, democracy may jeopardize. At the same time, organized crime has also emerged as a huge challenge in many countries. Regarding the use of corrupt practices for electoral gains, South Asia too is no exception. The need of the hour is to develop and implement proper financial standards in the election processes to safeguard democracy and people's sovereignty. In this context, the theme "Campaign Finance" chosen for discussion during this Meeting holds greater significance. The rules relating to political parties and campaign finance should ensure that clean elections are held with 'clean money' and persons with clean image are elected as people's representatives.

I am hopeful that that the Meeting will have intense and fruitful deliberations and discussions and prove instrumental in institutionalizing free, fair and credible elections in the South Asian region and beyond.

Finally, I would like to express my best wishes for the success of this meeting and wish all delegates a pleasant and memorable stay in Kathmandu.

Thank you so much!

INAUGURAL SESSION

Vote of Thanks



Hon'ble Election Commissioner of Nepal
Dolakh Bahadur Gurung

I am honoured to have this opportunity to deliver the vote of thanks on behalf of the Election Commission of Nepal on this auspicious inaugural ceremony of the fifth meeting of the Forum of the Election Management Bodies (FEMBoSA) of the eight SAARC countries (Afghanistan, Bangladesh, Bhutan, India, the Maldives, Nepal, Pakistan and Sri Lanka). I extend my heartfelt greetings to you all.

I would like to extend heartfelt gratitude on behalf of the Election Commission, Nepal to the Chief Guest Vice-President Rt. Hon'ble Mr. Paramanda Jha for inaugurating this fifth meeting of the FEMBoSA and launching the electoral atlas published by ECN with support from the UNDP/ESP.

The view expressed by the Rt. Hon'ble Vice-President in favor of fair, free, impartial and credible election is timely, contextual and useful for all the stakeholders engaged in the election process. The words of appreciation of the Rt. Hon'ble Vice President for the works of the Election Commission for conducting fair, free, impartial and credible elections and the suggestions given for the days to come would be a road-map for the Election Commission. The Election Commission of Nepal has conducted both the Constituent Assembly elections in free, fair, impartial and credible manner, and it does hereby express its commitment for the same in the future.

We are honoured by the gracious presence, inauguration of the programme, and address by the Rt. Hon'ble Vice President. It has boosted our morale. I would like to extend heartfelt thanks to the Rt. Hon'ble Vice President on behalf of the Election Commission, Nepal.

The fifth meeting of the FEMBoSA, which is a common forum of the Election Management Bodies of South Asia has been possible in Nepal because of the gracious presence and participation of Hon'ble Chief Election Commissioners and Hon'ble Election Commissioners and distinguished representatives from the region. Because of your kind trust, the Election Commission, Nepal has the opportunity of being the Chairperson of the FEMBoSA for a period of one year. We consider this as one of the examples of mutual cooperation and excellent collaboration among us, the member countries. The Election Commission Nepal is confident that this partnership will continue in the days to come.

The gracious presence of the Hon'ble Chiefs and members of the Constitutional Bodies, Government of Nepal, Secretaries, Excellency Ambassadors, Chiefs and representatives of the international development partners, and distinguished guests have become a source of inspiration and motivation for us, all members of the FEMBoSA and the Election Commission, Nepal and we are grateful to you all. I thank the Ministry of Home Affairs and other security agencies for the excellent security arrangement made and for your cooperation support in making it happen.

Hon'ble Chief Election Commissioner of Bhutan Dasho Kunzang Wangdi and Hon'ble Chief Election Commissioner of Nepal Mr. Neel Kantha Upadhyay in the course of their speeches and Hon'ble Election Commissioner Ms. Ila Sharma, the coordinator to the fifth meeting, during her welcome speech, have already shed light on the objectives, necessity, importance and scope of works of the FEMBoSA and the progress made to date, I would not like to repeat the same. However, I would like to make two points at this moment:-

1. The FEMBoSA comprises election management bodies of the eight countries. Each of them have knowledge, experiences and learning of conducting fair, free, impartial and credible elections in their respective countries. The FEMBoSA is the right platform for exchange of these knowledge, experiences and learning among the member bodies of the organization to minimize the challenges of election and thereby further strengthen the mutual cooperation, relationships, collaboration and coordination among the electoral bodies. Members of all countries are committed to make election free, fair, impartial and credible. The FEMBoSA remains as a symbol of unity and friendship of the election management bodies of eight member countries and it is a contact network. The FEMBoSA has contributed to further strengthen and promote regional unity, goodwill and relationship among the member countries. It is my belief that the relationship, cooperation, collaboration among the member entities will be appreciable and exemplary in the days to come and I wish for the same.
2. It is well-known to all that the Election Commission, Nepal has managed to conduct two historic elections of the Constituent Assembly peacefully in free, fair, impartial and credible manner with active cooperation and collaboration of all the stakeholders, thereby it has contributed to peace-building, constitution-making and development process. The Election Commission, Nepal will conduct all types of elections to be held in the future in fair, free, impartial and credible manner by having timely reforms in the relevant laws; by utilizing modern technology and methods to the extent possible; by making the election-management friendly to political parties, candidates, and

voters; and by having institutional strengthening and capacity development of its staff. The Election Commission Nepal is fully committed to fulfill its constitutional obligation and responsibility honestly and to the best of its capacity. The Election Commission, Nepal expects cooperation and collaboration of all stakeholders in the days to come, as before.

Finally, on behalf of the Election Commission, Nepal and on my own behalf, I would like to express sincere thanks once again to Rt. Hon'ble Vice-President, the Hon'ble Chief Election Commissioners, Hon'ble Election Commissioners and members of delegations participating in the FEMBoSA meeting and distinguished guests for providing your invaluable time being present in this program despite your busy schedule.

Last but not the least, I would like to extend thanks to the Chief Election Commissioner Mr. Neelkantha Upreti and Election Commissioners Dr. Ayodhi Prasad Yadav, Dr. Ram Bhakta PB Thakur for their support in organizing this program, and to Hon'ble Ms. Ila Sharma, the coordinator of the organizing committee of the fifth meeting of FEMBoSA and the Secretary Mr. Madhu Prasad Regmi for playing the lead role in organizing the conference. And I also must thank the sub committees made up of our joint secretary, under-secretary, officers and the secretarial staff for their support and excellent preparatory works for organization of the 5th meeting of FEMBoSA. I would also like to take this opportunity to extend sincere gratitude to UNDP/ESP, European Union and other donor partners for their generous support to further strengthening and advancing cooperation among SAARC EMBs. Lastly, I would also like to wish the fifth meeting of the FEMBoSA a grand success.

Thank you!

THE GENERAL SESSION

Chair:

Honorable Dasho Kunzang Wangdi, Chief Election Commissioner
Election Commission of Bhutan

Moderator:

Mr. Madhu Prasad Regmi, Secretary,
Election Commission, Nepal



Adoption of Meeting Agenda

The General Session adopted the 5th FEMBoSA meeting agenda after revising it with extended timeline for experience sharing session on campaign finance, as requested by the Hon'ble Election Commissioner of India Mr. Nasim Zaidi for the same.

Stewardship Report Presentation

The outgoing chair of the Forum, Hon'ble Chief Election Commissioner of Election Commission of Bhutan (ECB), presented the Stewardship Report on the theme Sharing Experiences and Resources for Better Electoral Practices in South Asia held in Thimphu from 1st to 4th of October 2013. This Report covered the activities of the FEMBoSA for the period starting from October 2013 to November 2014 carried out by different member EMBs. The highlights of the activities and achievements of the past year as stated in the report are, as follows:

Bhutan

1. The FEMBoSA logo and flag were finalized (and the ECB presented a FEMBoSA flag to each member-country for use at FEMBoSA events in our respective countries).

2. Communications were sent to the Chairperson of, National Election Commission of the Republic of Korea on 7th of October 2013 regarding enhancement of seats to be allocated to Asia on the Executive Board of the Association of World Election Bodies (A-WEB)
3. The website of FEMBoSA www.fembosa.org was launched on 16th of January 2014
4. A detailed and scientific study of the Determinants of Voter's Choice and Explore Appropriate Ways to Facilitate Women in their Political Participation was carried out
5. As resolved to dedicate one day in a calendar year as National Voters' Day (NVD) in respective countries

Bangladesh

6. In the first week of January 2014, the Election Commission of Bangladesh invited a team from the FEMBoSA member countries to observe the 10th Parliamentary Elections in Bangladesh

India

7. The Election Commission of India hosted a study visit for delegations from the member countries coinciding with the Lok Sabha Elections 2014

Nepal

8. Hosted visit of the Chief Election Commissioner of Bhutan to discuss the issues for 5th FEMBoSA in June 2014
9. Took steps to conduct the 5th FEMBoSA meeting in Nepal

(Complete Stewardship Report has been presented in Annex 1)

Handover of FEMBoSA Chair

The Hon'ble CEC of Election Commission of Bhutan handed over the FEMBoSA Chair to the honorable CEC of the Election Commission, Nepal by signing the handover document and handing over the Forum Chair's documents, including the Stewardship Report, the signed copy of the Forum Charter, Rules of Procedures, Report on Consultation Workshop held from 14-15 October 2014 on Determinants of Voters' Choice and Ways to Facilitate Women's Participation in Elective Offices, Study on the Determinants of voter's choice and Women's participation in Election Offices in the Kingdom of Bhutan as well as other FEMBoSA documents.

The new Chair of the Forum Hon'ble Chief Election Commissioner of Nepal thanked the outgoing chair Hon'ble Chief Election Commissioner of Bhutan and appreciated the work and progress made during Bhutan's chairpersonship and expressed gratitude to all member EMBs for their excellent support. The Chief Election Commissioner of Bangladesh as well as Election Commissioner of India, on behalf of all delegates, expressed deep gratitude to the outgoing chair and congratulated the new Chair with assurance of full support to keep the flag of Forum flying high.

Hon'ble Mahindra Deshapriya, Commissioner of Elections, Department of Sri Lanka handed down an invitation to the new FEMBoSA chairperson to observe the presidential elections to be held in Sri Lanka during January 2015.

TECHNICAL SESSIONS

The technical sessions started right after the general session, in which ... papers were presented on wide-ranging themes. All technical sessions were moderated by Mr. Madhu Prasad Regmi, Secretary of the Election Commission, Nepal. Synopsis of each presentation is given below while detailed papers are included in the Annexes.

Technical Session 1 (Inter-Thematic Session): Campaign Finance

Presenter:

Hon'ble. Neel Kantha Uprety,
Chief Election Commissioner, Nepal

Chair:

Hon'ble Dasho Kunzang Wangdi,
Chief Election Commissioner of Bhutan

Contribution:

All Member EMBS



SYNOPSIS

International experiences have shown that the actual role of money in politics and its transparency and management depend less on formal regulations than on actual practices. Recommendation for reform must therefore be based on an in-depth understanding of actual practices, and be developed in a dialogue between Nepalese stakeholders focusing on the goals that such regulations should aim to achieve.

The regulations regarding political finance in Nepal cover most areas of how political parties and candidates raise and spend money. A fairly hands-off approach has been taken with few bans and the only quantitative limits being on the amount that can be spent in election campaigns.

Brief synopsis of Nepal's legal provisions on political finance:

- *Donation to parties from state institutions and from foreign sources has been banned.*
- *There is no direct public funding of political parties.*
- *There are provisions of book keeping and auditing for political parties.*
- *Political parties are required to submit annual financial reports to the commission no later than six months after the end of the fiscal year. Names of any entity donating more than NRs 25,000 have to be disclosed in the reports.*
- *Ceilings have been imposed in campaign finance expenses both political parties and candidates.*
- *Book keeping, auditing and reporting requirements have been set for campaign finance income and expenses as well.*

There are stricter regulations relating to election campaigns, especially related to campaign spending. While banned sources are still limited to foreign interests, and there are no donation limits, there are limits on how much political parties are allowed to spend, and in particular there are strict rules on the types of campaign materials that may be used (down to the size and colour of campaign leaflets). There are reporting requirements for candidates after each election, though the reporting requirements are limited to campaign spending. The provisions regarding financial reporting by political parties in relation to election campaigns are stated in the law. There are provisions against the abuse of state resources in the legislation. However, most of the actual regulation on this issue has been left to the Election Commission of Nepal (ECN) to impose through Codes of Conduct. The provisions against vote buying are largely in line with international experiences.

Nepal is going through a political transition and many aspects of the political and electoral processes are to be determined, yet. In the discussions around this transition, it is important that issues around political finance are kept on mind, so that the potentially negative aspects of money in politics can be counteracted, while leaving political parties and candidates with sufficient resources to carry out democratic and active election campaigns.

Two principles that must be guiding this process are transparency in political party and campaign finance, and having regulations that are matched with a sufficient and suitable oversight mandate for the ECN. This must also be given enough capacity and resources to oversee compliance with the regulations. To achieve this, several reforms initiatives are to be carried out in the areas of political party/campaign finance, control of abuse of state resources, controlling vote buying and stakeholder capacity building.

(The complete discussion paper has been presented in Annex 2)

DISCUSSION (short presentation by each member on the thematic issue)

After the above thematic paper presentation, each member EMB shared their status in campaign finance regulation. Below are the summaries of their presentations and the discussions.

Afghanistan:

(Presented by: Hon'ble Ahmad Yusuf Nuristani, Chairman, Independent Election Commission of Afghanistan)

Afghanistan initiated Campaign Finance regulation practice in 2004. So it was relatively a new experience. Currently, Election Law (2013) and Regulation on Managing Campaign Finance (2014) govern the issues relating to the regulation. Any Afghan citizens and political parties can make campaign contributions but NOT government officials or offices. Contribution limits for presidential candidates were set to 50,000 AFN (about \$870) by individuals and 500,000 AFN (about \$8,740) by institutions/entities. Similarly for provincial council candidates it was 20,000 AFN (about \$350) by individuals and 50,000 AFN (about \$870) by institutions/entities. The spending limits were also applied which is put in details in the presentation. Use of state assets, facilities and resources in favor of or against specific candidates is prohibited unless equal resources and facilities are provided to all candidates. Technical or financial assistance from foreign citizens or states or diplomatic missions based in Afghanistan is NOT allowed. Similarly there are provisions for registration of candidate assets; disclosure of registered assets; submission of financial reports; and publication of the reports by the commission. It was noted that the current campaign spending limit was too low and perhaps unrealistic to be met by candidates. And, financial reporting requirements were often delayed, unrealistic and incomplete. Implementation of penalty for non-compliance was not as effective as expected.

Bangladesh:

(Presented by: Hon'ble Kazi Rakibuddin Ahmad, Chief Election Commissioner, Election Commission Bangladesh)

A candidate has to open a separate Bank Account with a scheduled Bank for the purpose of making payments in connection with the election expense, other than personal expenditure. Every nomination paper is delivered along with an affidavit signed. At the time of submission of the nomination paper, every contesting candidate shall submit to the Returning Officer a statement in the prescribed form of the probable sources of fund to meet his/her election expenses. In the election for the National Parliament, a candidate is entitled to spend taka 8 (eight) per voter subject to a maximum of taka 25 Lac i.e. Tk 2.5 million per constituency. Every election agent of a contesting candidate shall, within thirty days after the publication of the name of the returned candidate under Article 19, or Article 39 of RPO, submit to the Returning Officer a return of election expenses in the prescribed form. Every political party setting up any candidate for election shall maintain proper account of all its income and expenditure for the period from the date of publication of notification till the completion of elections in all the constituencies in which it has set up candidates in any scheduled bank. Ceilings have been set for the candidates to spend for election purposes which is to maximum taka one lakh and fifty thousand per candidate. No registered political party shall receive any gift, donation, grant or money from any other country, or non-government organization assisted by foreign aid or from any person who is not a Bangladeshi by birth or any organization established or maintained by such person. Any political party contravening with the legal provisions would be punishable with fine which may extend to taka ten Lakhs. Political parties have to submit their expenditure statements to the Commission and if any registered political party fails to submit within the time specified, the Commission first warns, then may impose fine and, to the extreme provision, may cancel its registration.

Bhutan:

(Presented by: Hon'ble Dasho Kunzang Wangdi, Chief Election Commissioner, Election Commission of Bhutan)

The government of Bhutan funds the political parties and candidates for campaigning in the parliamentary elections. At the same time, parties can also raise fund through one time registration fee, regular registration fees and also through volunteer contributions from party members. However ceilings of such contribution are determined by the Election Commission. The political parties have to submit the financial report and return the unused fund to the government within 30 days from the date of declaration of the results. In the last elections, majority of the candidates returned the unused funds.

India:

(Presented by: Hon'ble Nasim Zaidi, Election Commissioner, Election Commission of India)

With conceptual background of political finance and its two major components, namely, Party Finance and Campaign finance, the current practices and lessons learnt were presented from ECI perspectives. Ceilings have been set for election expenditure as 70 lakhs (US\$110,000) for Lok Sabha and 28 Lac (US\$44,000) for State Assembly. Distribution of money, gifts, liquor or any other item among electors with the purpose of influencing the vote is illegal, however, those practices are prevailing under cover, and the ECI has been undertaking several interventions to check them. Similarly, some practices operating in the gray areas on the fringe of legality have also been identified (such as paid news and freebies in manifesto) and ECI is considering on better effective ways of discouraging such practices. The legal provisions allow political parties to raise fund from Individuals, corporate houses (not exceeding 7% of their average annual profit), other entities and electoral trusts. Fund from foreign sources and from government agencies are prohibited. Contribution reports in excess of IRs 20,000 (US\$315) from a single person or entity has to be filed to the Commission. Audited accounts have to be filed to Income the Tax Department and Election Expenditure statements have to be filed to the Commission within 90 days of declaration of result (this provision is implemented through court order). Transparency guidelines have been issued for the political parties by the Commission. Similarly source of funding for candidates are their own source, political party and other well wishers/electors. Ceilings have been imposed for candidates on election expenses and election petitions are held for exceeding the limits.

There is model code of conduct in effect for limiting number of campaign vehicles and campaign days. In cases of behaviours such as inducement of voter or any candidate; unauthorized expenses; publication in print media without authorization; defacement of public property, paid news expenditure etc, they are punishable as unlawful acts. Election Commission of India has jurisdiction to issue instructions to the candidate and party, in case of areas which are not covered under any law. ECI can derecognize a party, if a party violates lawful instructions.

ECI has been actively taking preventive as well as enforcement measures to check the unlawful practices. Some of the examples of ECI's recent enforcements included cash seizure of IRs 3,038million (US\$48 million), liquor seizure of 65.94 Lakhs litres and drugs seizure of 48 thousand kilograms.

Maldives:

(Presented by: Hon'ble Ismail Habeeb Abdul Raheem, Election Commissioner, the Election Commission of Maldives)

The political parties have to submit annual financial statements and special reports in relation to election campaigns. Reporting requirements may differ for different types of elections.

Each year, before the end of March, all registered political parties are required to submit annual statements to EC. They will be reminded and given another 30 days, if not submitted within these 30 days, party is fined 50000 MV (US\$3000). These annual reports contain summary information on the parties' incomes and expenditures. The requirement to publish annual financial reports provided by political parties came into force with the birth of political parties. These reports have to be audited by a Nationally registered auditing firm at the Audit Office. Currently there is no standard format in submitting these reports. Political parties are subject to greater public scrutiny during electoral periods. Parties must open a separate bank account for the electoral campaign to which direct or indirect support (money and other forms of material) from physical and juridical persons should be directed. Presidential candidate should submit his/her financial report within 30 days under the general electoral act. Parliament candidates should submit his/her financial report within 30 days under the general electoral act.

If a party or candidate has intentionally used undeclared finance there is no penalty or a mechanism or scrutinizing. Maldivian legislation does not provide specific sanctions for non-compliance by political parties and in general, the enforcement mechanism is rather weak. Much can be learned by examining donors that have suspicious incomes. However, without an effective enforcement system regarding donors that contribute undeclared funds, it is complicated to identify the culprits.

In Presidential and Parliamentary elections, parties can generate income from several sources. As non-profit entities, political parties need not pay tax on their income. However, the Law on Political Parties put certain restrictions on the income of political parties. For example, parties are prohibited from redistributing income and property among their members and leadership. Provisions of the Maldivian State Budget Law on political parties allow for 0.1% to 0.2% of the budget to be used for state financing of political parties.

There are very few limitations on spending by political parties in the Maldives. Parties are forbidden to offer direct and indirect favours for votes as financial, material and other forms of support including: gifts, money, material goods at no charge, humanitarian aid and in-kind contributions. Political parties are also not allowed to use the "Electoral Fund" money for personal interest. There is no spending limit for political parties, which effectively removes the point of having a spending limit for candidates. Spending limit in the Maldives was discussed to be comparatively higher. Funds used by a candidate in campaigns should not exceed 1500MVR (US\$100) per eligible voters in that constituency. But there is no formal mechanism in monitoring and measuring the expenses.

Regarding the use of media for campaigns, media must provide equal access to all competitors; and public media must provide free time without discrimination. Public media must also distinguish between appearances in a public service capacity and electoral appearances. Competitors have a right to respond within three days, and, if not granted this right, they can appeal to the EC.

Pakistan:

(Presented by: Hon'ble Justice (R) Fazal-Ur-Rahman, Member, Election Commission of Pakistan)

The electoral and political finance regulations and enforcement are guided by the electoral laws in three main areas - monitoring of the election (campaign) expenses, monitoring of finances of political parties and monitoring of the assets of Members of Parliament and Provincial Assemblies. The law has determined a maximum limit for the candidate to spend in different tier of elections. The advancement of modern technologies and private, social and electronic media has made the task easy for monitoring at all levels. On the other side, mushroom of social media has made easy for political parties and candidates to break the laws relating to campaign finance and measures has to be taken. Therefore, a code of conduct for media was put forth to subdue the implemented laws regarding campaign finance.

Maximum limit to election expenses for a candidate of National Assembly of Pakistan is one million rupees (US\$10,000) and five hundred thousand rupees (US\$5,000) and in case of an election to a seat of Provincial Assembly the limit is one million rupees (US\$10,000). Every candidate has to submit bills, receipts and other documents, and details of every payment made in respect of election expenses except where the amount is less than five hundred rupees (US\$5). The returned candidate is bound to submit the detail of such expenses within ten days from the poll of an election and rest of the candidates have to submit such statements within 30 days.

Political Parties, in Pakistan, are not legally permitted to receive funds from foreign governments, multinational or domestically incorporated public or private companies, firms and trade or professional associations. However, donations can be received from individual donors and parties are required to maintain a record of such expenditure.

ECP has established a Political Finance wing with a view to enhancing ECP's control over election expenses and supporting of the implementation of regulations on political finance.

ECP has proposed some amendments in the existing electoral legal framework of Pakistan for making its monitoring of campaign finances more effective. The measures include the proposal for establishment of Campaign Monitoring Committee at district level, opening of a dedicated bank account by the Candidates, regular submission of campaign expenses by the candidates during campaign period, measures to probe into the finances of political parties and returned candidates and well-defined mechanism for penalty against corrupt practices. They are yet to materialize.

Considering that campaign finance and matters relating to expenditures incurred by the contesting candidates is one of the befitting areas, ECP proposed to constitute a FEMBoSA committee comprising members nominated by each EMB for enhancing their efforts and expertise through mutual experience sharing and setting some common principles for the region.

Sri Lanka:

(Presented by: Hon'ble Mahinda Deshapriya, Commissioner of Elections, Department of Elections, Sri Lanka)

Sri Lanka imposed ceilings for the political parties on the campaign expenditures before 1997 when it had First Past the Post electoral system. But after introducing PR electoral system, the ceilings were revoked. Presently, the political parties have to submit the

annual expenditure report to the Department of Elections. However, so far they have been submitting incomplete and/or unreal financial reports. Recently, some parties who failed to abide by the legal obligation were derecognised. The Department has been facing challenges in regulating campaign finance due to the lack of a strong regulatory mechanism and the ceilings on the expenditures. Discussion papers and presentations are included in the Annex.

Common voice for resolution

All Forum members contributed to the discussion by elaborating the provisions put into practice by the respective EMBs to regulate campaign finance in their countries. After the discussion, with articulation of the importance of regional standards by the Hon'ble Member of the Election Commission of Pakistan, Hon'ble Commissioner of ECI proposed to undertaking a regional initiative by FEMBoSA to work on Campaign Finance Regulation principles for the region. Hon'ble Commissioner of Election, Sri Lanka, seconded the proposal. Upon discussion, the forum decided to undertake this initiative.

Technical Session 2 : Service Condition of Election Commission Officials

Presenter:

Hon'ble Kazi Rakibuddin Ahmad,
Chief Election Commissioner, Bangladesh

Chair:

Hon'ble Justice (R) Fazal Ur Rahman, Member,
Election Commission of Pakistan

Discussant:

Hon'ble Mahinda Deshapriya, Commissioner of Elections
Department of Elections, Sri Lanka



SYNOPSIS

Among the total officers and staff of 2,746 in Election Commission Bangladesh, a few officers are deputed from the government and others are Commission's own officers. At present, Secretary and Additional Secretary are deputed from the government. Legal Wing officers are all deputed from the judicial service of the government and planning cell officers are deputed from the Economic cadre of the government. Some of the project personnel are also deputed from the government as well as from the Armed Forces Division. The secretariat at the headquarters consists of 128 officials and 192 employees.

The field organization is composed of ten regional offices, 64 district offices and 487, upazila (local level offices with a total of 701 officials and 1725 employees. Apart from these full time officials, during updating of voter registry and holding of elections, large number of temporary

part-time officials are hired for short periods from government departments, autonomous, semi-autonomous bodies and other institutions.

Election Commission officials enjoy the status of the employees of the Republic and are entitled to the same pay, allowances and privileges as those applicable to government officials. Service conditions are also similar. Officers are recruited by the Public Service Commission - a separate Constitutional body. But other staff are recruited by the Commission. All officers and staff get their pay and allowances as per Government pay scale under the "Services (Reorganization and Conditions) Act, 1975 (XXXII of 1975).

Hon'ble CEC of Election Commission of Bangladesh Mr. Kazi Rakibuddin Ahmad made a presentation on "Service Condition of Election Commission Officials Bangladesh". The commission has its own core officials as well as some deputed from the government. The pay scale, allowances, special benefits of election officials and emoluments of temporary human resources were elucidated in the presentation. The Forum also carried out a comparative discussion on the provisions of electoral services, incentives provided to election officials and some other issues such as recruitment, retention, power & authority etc. among the South Asian EMBS.

(The complete discussion paper has been presented in Annex 8)

DISCUSSION

Sri Lanka:

Hon'ble Commissioner of Sri Lanka Mahinda Deshapriya elaborated on the current service conditions and perception towards the Election professionals in Sri Lanka. Salaries and facilities provided to the election professionals are not comparable to the perks provided by the private sector. So, election job is also not considered as attractive. It is good to think of a regional minimum standard for service conditions of EMB employees in South Asia region to enhance the attraction towards the commission. Department of Election, Sri Lanka, has full authority regarding the transfer of employees from one department to another within the Commission. The government cannot transfer employees without obtaining a prior consent from the Commission.

Nepal:

Hon'ble Commissioner Ila Sharma had a query on whether there was a provision of Incentives during elections in Bangladesh. Hon'ble CEC of Bangladesh stated overtime pay, training opportunities and motivational incentives were in place to deal with the problems caused by high staff turnover. Daily filed allowance are provided to employees mobilized during elections and voter registration. The pay scale for the employees is on a par with the government.

India:

Hon'ble Commissioner Nasim Zaidi mentioned that HRM and their service conditions directly related to independent functioning of an EMB. ECI felt that the secretariat should be free from external/executive interference and it is also a part of electoral reform. Employees join ECI and retire from the ECI. ECN has employees as permanent cadres and are not liable to transfer. Selecting the higher level officials from different service of the government is solely under jurisdiction/authority/control of ECI. At provincial level chief electoral officials are selected from state government. India does not have problem of turnover. Booth level

officers are from government service and work for the Election Commission as required. They are also assigned the role of polling station level electoral roll updates. There is complete command and control of the ECI over them also whenever they are in the commission duty. In general, the ECI staff enjoy better status than the government staff in society.

Nepal:

Hon'ble Chief Election Commissioner Neel Kantha Uprety assessed that the turnover of employee is a severe problem in ECN and had a query to ECI related to particular provisions in the legislation that would help retain employees within EMBS.

ECI response - ECI have broadly two cadres - first category are those who belong to ECI and ECI have rules to appoint and mobilize them. On the other hand, high level management employees are through central deputation from the central pool of the central government and state government staff. In such a case, an MoU is signed with the Government that they should work for at least 3-5 years and the contract can be extended by another 2 years. ECI has full control over them once they are with the ECI.

Bangladesh:

Hon'ble CEC of Bangladesh inquired ECI about the promotion prospects of ECI staff.

ECI Response - A permanent cadre of the ECI can start from assistant level and has prospects to rise up to senior secretary level.

Maldives:

Hon'ble commissioner of Maldives Ismail Habeeb Abdul Raheem explained the current situation in the Maldives that the commission has to rely totally on government for all type of resources. The Commission doesn't have sufficient staff and/or budget for conducting the activities.

Bangladesh:

Hon'ble CEC of Bangladesh added that, for budget, the Commission sets its target and holds discussions with the Ministry of Finance – then – budgets are passed by the parliament. All salary of staff and Commission come from charged expenditure of the government, so have no problem of general budgeting. But staff are deputed from government structure, so they don't want to come completely under the Commission structure. But the perks they get in Bangladesh is very minimum.

Pakistan:

Hon'ble member of ECP Fazal Ur Rahman shared that there was a constitutional provision for the appointment of the CEC and members of the Commission. The staff belong to the ECP and are provided with the same salary and allowances as government employees. The constitution also provisions that, the federal and provincial governments are obliged to provide necessary assistance to the Commission as required.

Technical Session 3: Media Commission in Afghanistan

Presenter:

Hon'ble Ahmad Yusum Nuristani, Chairman,
IEC Afghanistan

Chair:

Hon'ble Mahinda Deshapriya, Commissioner of Elections
Department of Elections, Sri Lanka

Discussant:

Hon'ble Fazal-Ur-Rahman, Member,
Election Commission of Pakistan



SYNOPSIS

Afghanistan is one of the few countries that have opted to establish a temporary specialized body whose responsibility is to regulate the media during elections. In some countries, independent media commissions exist but not the electoral media commission. In Afghanistan, the Media Commission was established by the Joint Electoral Management Body for the first time in 2005. The Election Law (2013) and the IEC Regulation on Establishment of the Media Commission set out the mandate, duties, responsibilities and criteria for selection of its members.

The IEC is mandated to establish the Media Commission at least 90 days before the Election Day and dissolve it within maximum 45 days after the final results are declared. The current Media Commission was established by the Independent Election Commission (IEC) on 4 December 2013 for the 2014 presidential and provincial council elections. The Board of Commissioners is composed of five members including the Chairperson and at least one female. The commissioners were appointed following a selection process involving media representatives from both private

and public sectors. The potential members are required to have media-related educational and professional experience, temporary separation from official posts and no affiliation with political parties. The Media Commission was supported by a third party media monitoring comprising some 90 media monitors across the country. The Media Commission served as a facilitator to resolve disputes between parties and addressed violations.

(The complete discussion papers has been presented in Annex 9)

DISCUSSION

Nepal:

Hon'ble Commissioner of Nepal Rambhakta P.B. Thakur inquired about how the ECA managed the diaspora voting and how the media monitored the diaspora voting process.

Afghanistan Response: The Media Commission was established by government temporarily at the election time. They were mainly responsible for ensuring equal opportunity for all media organizations. The Commission had little to do with monitoring of the diaspora voting.

Nepal:

Hon'ble Commissioner Ila Sharma from Nepal suggested to have a sustained media engagement through a permanent Press Office instead of having a temporary Media Commission.

Bhutan:

Hon'ble CEC of Bhutan Dasho Kunzang Wangdi added that ECB has implemented media rules and regulations for the management of the functions of national and international media.

Concluding the session, the Hon'ble chair admired efforts made by the Election Commission of Afghanistan and the other EMBSs in the area of media monitoring. The Forum acknowledged working on common minimum regional principles of media relations for South Asian EMBSs.

Technical Session 4: Independent Election Management Body- The Weakest Link in Bhutanese Electoral Democracy

Presenter:

Hon'ble Dasho Kunzang Wangdi, Chief Election Commissioner,
Election Commission of Bhutan

Chair:

Hon'ble Neel Kantha Uprety, Chief Election Commissioner,
Election Commission, Nepal

Discussant:

Hon'ble Ismail Habeeb Abdul Raheem, Election Commissioner,
Election Commission of the Maldives



SYNOPSIS

As per the constitution, the Election Commission of Bhutan is responsible for the preparation, maintenance, and periodical updating of electoral rolls, the election schedule, and the supervision, direction, control, and conduct of elections to Parliament and Local Governments, as well as holding of National Referendums, in a free and fair manner. The Commission has the full legal authority over all aspects of its financial and personnel management. The jurisdiction of the court are barred on any action taken or of any decision given by the Election Commission or its officers or by any other person appointed under this Act in connection with an election, except upon receiving an election petition or an election appeal. The Chief Election Commissioner may be removed from his/her post through impeachment by Parliament whereas the other Commissioners may be relieved by His Majesty the King on the recommendations submitted by the Chief Election Commissioner on the grounds of violation of the Election Act.

For the Election Commission to develop into a fully functional and professional institution capable of conducting and maintaining the integrity of free and fair elections, a number of projects have been planned. The training of all ECB staff and the civil/public servants in the ECB's roster of election officers are given top priority, especially the National Observers and Returning Officers. In order to ensure public trust in an EMB and integrity of Elections, various mechanisms are put in place in the Electoral Laws.

(The complete discussion paper has been presented in Annex 10)

DISCUSSION

India: Hon'ble Commissioner Dr. Zaidi observed that the provisions of ECB are more or less similar to that of ECI, but India has a higher level of independence. The CEC can only be removed through impeachment and enjoys full protection. Unless the CEC recommends for the misconduct with regard to election management, election commissioners cannot be removed. ECI has been insisting that it should be protection of institution as a whole, not an incumbent per se, and that all commissioners should enjoy the same level of protection as the CEC does.

Nepal: Hon'ble Commissioner Ila Sharma of Nepal observed that the ECB seems strong in the paper presented, and, inquired why ECB themselves termed as 'weakest link'.

Bhutan Response- The chain is strong but the link is weak. In good times the people don't realize but if something unexpected happens, the Commission only is held responsible for, hence the term was used. This was not intended to undermine the Commission's roles.

Nepal: Hon'ble Commissioner of Nepal Rambhakta P.B. Thakur raised query regarding the observers as well as the management of overseas voting.

Bhutan Response- Senior trusted civil servants are appointed by the ECB as national observers. Besides, if any agency requests the Commission, it decides on their appointment. For Diaspora voting, postal ballot has been used.

Bangladesh: Hon'ble Commissioner of Election Commission of Bangladesh sought know whether there were any issues with the judiciary and the ECB independence.

Bhutan Response- So far, the ECB has not faced any difficulty in this regard. Whatever decision we take should be lawful. If any issue is raised, EMBs should always be in a position to come out clean.

Nepal: Hon'ble commissioner of Nepal Dr. Ayodhi Prasad Yadav sought information on the number of disputes recorded in the last elections, dispute monitoring mechanism in place at constituency level and the provisions of post-election disputes resolution mechanism, if any. **Bhutan Response:** In Bhutan, there is a three-tier dispute settlement system. Most of the investigations are carried out by the professional lawyers. Dispute settlement body is chaired by a Commissioner and final appeal comes to the Chief Election Commissioner. There is a trend of decreasing number of dispute cases as compared to the previous elections.

Concluding the session, the chair, Hon'ble CEC of Nepal, added - resources are the key elements for an EMB to be able to act the independently. The South Asia region has best examples as well as very many rooms for improvement in the case of some EMBs. Therefore this Forum could be of help to contribute toward working for a standardized EMB practice in the region.

Technical Session 5: Toward Inclusive and Participative Election- SVEEP Success

Presenter:

Hon'ble Nasim Zaidi, Election Commissioner, India
Mr. Yashvir Singh, Director, ECI

Chair:

Hon'ble Ismail Habeeb Abdul Raheem, Election Commissioner,
Election Commission of Maldives

Discussant:

Hon'ble Neel Kantha Uprety, Chief Election Commissioner,
Election Commission, Nepal



SYNOPSIS

- *SVEEP is the alternative to 'Compulsory Voting'* - Dr S Y Quraishi, Former CEC, ECI
- *Compulsory voting? Make a clean SVEEP of it* - The Hindustan Times

Parliament of India, the supreme Legislative body, comprises the Lok Sabha (House of the People) and the Rajya Sabha (Council of States). The General Elections to the 16th Lok Sabha (Lower House) was held in April-May-2014 for 543 Seats. The electoral system applied in the elections was the First-Past-the-Post (FPTP). In 923,849 polling stations, there were a total of 834 million electors, 397 million of them women. As the biggest democracy and second largest populated country in the world, elections are really mega events in India and meaningful participation of electors in elections is crucial and challenging as well.

ECI has been facing several challenges in electoral processes. Key among them are stagnation

of national turnout around 60% only, gap in overall enrollment, glaring gender gap, youth disconnect, chronic urban apathy, decline in participation of people in difficult and special conditions/circumstances, low participation among service voters, staff voters & NRIs; report erosion in quality and ethical voting.

Voter registration and electorate education are central to election management process. However, both qualitatively and quantitatively voter participation in India is still far from the ideal of participatory democracy. There is a lot of gap between what the voters 'should know' and what they 'actually know' in important areas of election process. More so, as has been observed, voter awareness does not always convert into voters actually casting their vote. To achieve the objectives of increasing voter awareness and voter turnout the Election Commission has taken a major step in the form of Systematic Voter's Education and Electoral participation (SVEEP) programme to inform, educate, motivate and facilitate voters in turn making the Indian democracy more participative and meaningful.

The programme, in a nutshell, has the following elements:

- *Voters' Behaviour Survey*
- *Formulation of State and District level SVEEP plans*
- *Personnel for State level*
- *State and District level core groups*
- *Collaboration with Government departments*
- *Collaboration with CSOs, Media and organisations*
- *National Voters Day*
- *Identification of National and State Icons*

With the above elements the following activities are conducted through several programmed measure.

- *Targeting eligible citizens for enrolment*
- *Targeting Electors for voting*
- *Removal of gender gap*
- *Fostering youth involvement*
- *Dealing with urban apathy*
- *Addressing issues of inclusion*
- *Promoting Informed and Ethical Voting*
- *Targeting future electors (continuous electoral literacy)*

It was observed that the youth and women constitute a major part of the people who do not cast their vote. In order to improve participation of all sections of electorate, ECI decided to bridge the gap in information and motivation, and also simultaneously made interventions to make the process of enrolment easier and convenient, and the voting experience people friendly. ECI also creatively engaged with people to stimulate them to join the electoral process.

Under the banner of SVEEP, a series of outreach measures, such as, marathons, rallies, processions, quiz competitions, film screening, declamation contests, street plays, SMSes and helplines are conducted to promote voting. The gaps in the electoral process like youth disconnect, urban apathy and subdued ethical voting campaign are being filled by SVEEP activities while the areas like NRI registration, service voters low participation and migrant voters need more ECI interventions. ECI is constantly engaging to evolve programs that can explore the in-depth correlation between the strength of an individual's vote and their empowerment.

Being a landmark initiative by ECI, SVEEP has stimulated every aspect of election processes to ensure enhanced voters' participation in the polling. During the recent years, voter registration, especially among youth, has gone up from 10-15 percent to 30-35 percent and almost all the state assembly elections held since 2010 recorded high voter turnout with greater participation from youth and women. The gender gap is being bridged with demonstrated highest ever (65.71%) female turnout in 2014 national election as compared to 55.82% in 2009.

(The complete discussion paper has been presented in Annex 11)

DISCUSSION

Sri Lanka: The Hon'ble Chief Election Commissioner appreciated achievements made by ECI through SVEEP programme, and requested for further elucidation on how ECI motivated the voters for voting and, , what solutions have been implemented in India for diaspora voting.

Nepal: Hon'ble Election Commissioner of Nepal Dr. Ayodhi Prasad Yadav added that SVEEP programme has been an important learning for ECN as well. Greater participation is the basis for strong democracy and the programme goal is to increase voter participation. ECN has adopted gender and inclusion policy as well and has been conducting periodic and regular voter registration, voter education and civic education programmes. Nepal has also achieved historic success in voter turnout. Voter Invitation cards and Voter ID card launched during recent elections also contributed to this success.

Nepal: Hon'ble Election Commissioner of Nepal Dr. Rambhakta P.B. Thakur requested the ECI to shed light on the effectiveness of the programme in reaching out to every corner of the society and the marginalized people; and also about the participation of women from registration to representation.

Response from ECI India: SVEEP programmes have been conducted based on the state-wise/ city-wise situation analysis, and the strategies have been targeted in the lowest registration and turnout areas. There could be many areas where ECI has not been able to reach yet. The third phase SVEEP programme would re-assess the situation and the programme will be re-targeted. Regarding Diaspora registration, they can register from their current location but, currently, they have to cast their ballot from the designated polling centre back home. Recently, the Supreme Court of India has issued an order to ECI/government of India to make necessary arrangements so the Indian Diaspora can vote from wherever they are, and the ECI is exploring options. Regarding female participation, there is only around 11% representation in parliament and this is an area the ECI has to improve on. Participation of women in voting is also not as desired, so, the third phase of SVEEP programme will be targeted in this area as well.

Technical Session 6: Electoral Reform- Use of ICT in Elections Management

Presenter:

Mr. Ahmed Muaz, Assistant Director/ICT
Election Commission of the Maldives

Chair:

Hon'ble Dasho Kunzang Wangdi, Chief Election Commissioner,
Election Commission of Bhutan

Discussant:

Hon'ble Nasim Zaidi, Election Commissioner,
Election Commission of India



SYNOPSIS

Election Commission of the Maldives has developed and implemented an Election Management System (EMS) for modernizing the electoral process and better managing the Election Commission Secretariat. This is accomplished by integrating appropriate technology in all areas of electoral management starting from voter registration to declaration of results. Besides increasing the efficiency of the election process, the EMS intends to minimize human intervention and increase transparency and accountability in the administration of the Secretariat and the electoral process.

This system is developed using a modular approach, with the most critical modules being prioritized to build first. EMS is designed to provide a web-based solution in the following areas of election management:

1. **Election calendar:** It is a general interface that shows the timeline of the election process
2. **Voter Registration and re-registration**
 - Voter registry data entry and modification with proper data change auditing and workflow
 - Generation of voter's list
 - Generation of voter's statistics
3. **Constituencies and ballot box creation.**
 - Delineation of constituencies and ballot box for elections
 - Assign constituencies and blocks to a specific ballot box
 - Printing of all documents needed for the ballot box
 - Check list for each ballot box
 - View of the schedule
4. **Result processing**
 - Authentication and entry of temporary results directly from ballot stations, and sending results to the main headquarters
 - Updating progress of results as being received
 - The preliminary results
5. 'Hotline' (1414) module to facilitate answering calls more efficiently and with accurate information. This module will also allow various division of the EC to easily disseminate timely information to the hotline staff.
6. **Candidate registration tool** to handle the process of registration of candidates participating in an election.
7. **Political party registry module** to maintain the political party membership registry
8. **Real-time ballot progress monitoring module**

The system has increased efficiency of the Commission as compared to the election conducted in 2008, in that the electorate did not have to wait for long in the queue and individual voters spent relatively less time around the polling centres to be able to cast their ballots.. They know where they are registered easily through their mobile phones by sending an SMS. And, the hotline has facilitated efficiently responding to stakeholders' calls timely with accurate information.

(The complete discussion paper has been presented in Annex 12)

DISCUSSION

India: Hon'ble Commissioner of ECI Dr. Nasim Zaidi added that IT plays very important role in electoral management for transparency, credibility and gaining trust from stakeholders. Therefore, EMBs need to invest in creating infrastructure for implementing IT in voter registration, polling, counting and other electoral management areas.

Bhutan: Hon'ble Chief Election Commissioner of ECB observed that Investment in information communication technology (ICT) is important in optimizing the use of resources. Bhutan has been implementing the technology as much as possible. The use of technology has its own challenges in hardware/software part as well as integrity, consistency and continuity aspects.

Nepal: Hon'ble Chief Election Commissioner Neel Kantha Uprety stated that future democracy is going to be e-democracy. Therefore, it is good to have some commonality in South Asian region in using technology in elections. Hon'ble CEC appreciated the comprehensive presentation made by the Maldives on how technology could be used in elections. He added that Nepal has been using technology in voter registration with biometric information and polling centre management as well. It has been piloting the use of electronic voting machine as well as mobile tracking system. In the future, the Election Commission of Nepal is heading towards using the technologies in the identification of voters, in polling, in counting and in declaration of the results.

Nepal: Hon'ble Election Commissioner of Nepal Dr. Rambhakta P.B. Thakur enquired about the way the Diaspora was managed by using the technology.

Response from the Maldives- Eligible citizens living overseas can register to vote. Diplomatic missions abroad with a minimum of 100 registered voters were instructed to make provisions for the citizens to vote in the given locations. Such voting took place in India, Malaysia, Sri Lanka, Singapore and the United Kingdom in the recent past.

Technical Session 7: Electoral Reform in Nepal - A Trajectory

Presenter:

Hon'ble Dr. Rambhakta P.B. Thakur, Election Commissioner, Nepal

Chair:

Hon'ble Dr. Nasim Zaidi, Election Commissioner, Election Commission of India

Discussant:

Hon'ble Dasho Kunzang Wangdi, Chief Election Commissioner,
Election Commission of Bhutan



SYNOPSIS

Elections are an indispensable marker of the progress in democracy throughout the world. An election reveals the weight of public opinions; facilitates broad based representation of social, economic and political concerns of people; and provides legitimacy to the governance process. Nepal is moving through a tough political transition and needs to work hard to ensure political stability. Since the restoration of multiparty democracy in 1990, the Nepali electorate have been exercising their political choice in the course of several elections held since 1991. Currently, elected Constituent Assembly members are making efforts to formulate a new constitution of a federal democratic republic.

In line with the changing political and social scenario, electoral reform initiatives are being undertaken in Nepal in order to promote inclusive, participative, responsive and transparent governance system.

The ECN implemented a strategic reform plan for the period 2009-2013 which incorporated several reform-targets, such as, reforms in electoral system, electoral rolls, voter awareness, electoral management and stakeholder collaboration - to mention a few. The ECN has been able to demonstrate tangible achievements in particular areas of reforms carried out, as per the Strategic Plan.

With an overwhelming achievement from the implementation of its strategic reform agenda, ECN has, of late, been heading towards achieving excellence in electoral management. Yet, ECN has a lot to accomplish in organizing the elections even better and more effectively to ensure genuine representation. Moreover, Nepal is transiting into a federal structure. In line with this transition, ECN needs to review its legal framework, organizational structure, work procedures and collaboration mechanism. The ECN desires to register every single voter and let them vote in free and fair manner. So, our future course of actions should be designed in such a way that we shall be in a position to overcome all anomalies related to elections and electioneering and win public trust in the system and institution.

(The complete discussion paper has been presented in Annex 13)

DISCUSSION

India: Hon'ble Commissioner of ECI Dr. Nasim Zaidi appreciated the compact presentation format highlighting the ongoing reform agenda of ECN. Dr. Zaidi suggested that, in the future, there could be more areas of focus for reforms, such as, political parties management, political finance regulation and reforms relating to the media.

Bhutan: Hon'ble CEC of Bhutan Mr. Dasho Kunzang Wangdi shared the ECB's reform initiative which was considered as an ongoing process. The ECB, he said, assesses its own performance post-election and takes swift measures – both long-term and short-term – to address the shortcomings, if any.

Technical Session 8: Electoral Reforms- Technology Based Elections

Presenter:

Hon'ble Justice (R) Fazal Ur Rahman, Member
Election Commission of Pakistan

Chair:

Hon'ble Ahmad Yusuf Nuristani, Chairman,
Independent Election Commission of Afghanistan

Discussant:

Hon'ble Kazi Rakibuddin Ahmad, Chief Election Commissioner,
Election Commission of Bangladesh



SYNOPSIS

Technology is an essential component of the modern elections. Technology is used at every stage of the election process, from compiling voters lists to drawing electoral boundaries to employing and training staff to printing ballots to conducting voter education campaigns and publishing election results. Proper application of technology in times of elections can increase administrative efficiency, reduce long-term costs and enhance transparency. Technologies change at a fast pace and the EMBs must regularly re-evaluate the versions of technology that they use, to determine whether they should adopt new or updated technology to improve their performance.

The ECP currently maintains electoral rolls – computerized biometric database – of more than 87 million eligible voters nationwide. The ECP has taken some concrete steps to apply modern

technology to make the electoral process credible by removing ambiguities and anomalies.

After successful implementation of the first strategic plan the ECP is now on the way to put together second Five-Year Strategic Plan (2014-2018) to give continuity to ongoing the reform measures and process in a proactive manner. These interventions, ECP hopes, will not only strengthen the electoral processes, but will also contribute to consolidating democracy in Pakistans.

(The complete discussion paper has been presented in Annex 14)

DISCUSSION

Afghanistan: Hon'ble Chairman of IEC Afghanistan elucidated the current situation of Afghanistan in implementing technology in electoral management. Afghanistan is planning to hold technology-based elections in the future. Technology can save work of thousands of people, but the drawback is it can also put many people out of jobs. Nevertheless, use of technology can make jobs simpler in the complex world. Whichever technology we adopt, there could still be complaints of fraud and chances are that the losing parties will try to challenge the election results even as they fully know using technology could actually minimize risks of foul play in the election results. There is no biometric registration system in place in Afghanistan yet. Therefore the voter lists are not as accurate as the Commission would wish them to be. Any eligible voter could have registered many times in the registry. Unless Afghanistan issues smart biometric voter ID the Election Commission can in no way get closer to the actual number of voters in the country.

Bangladesh: Hon'ble Commissioner of Bangladesh opined that it is now necessary for the EMBs to adopt technology-based electoral management. Technology has changed the world, including the poor countries of the region. Modern technology must be used in every stage – from enrolment of voters to the declaration of results. Bangladesh has a database of the voters, which blocks the multiple enrolment of a voter. The technology also can detect voters who try to vote more than once. The Commission maintains biometric voter database and ID cards are issued to the voters. ECB had some bad experience while using EVM during the local elections as some voting machines stopped working in the middle of voting. The lesson learned is that one must be very careful while choosing and using the technology in electoral management.

Bhutan: Honorable CEC of ECB Mr. Wangdi said that technology is good for people if they have ability to manage it. It has to be used to augment efficiency and effectiveness. Bhutan has experiences of implementing technologies in elections. When the Commission chose EVM for polling, the operation was much easier as logistic preparation time and efforts were significantly decreased. Other technologies like mobile and satellite phones have helped the ECB transmit the results effectively and efficiently and communicate the progress report, as and when needed. However, geographical constraints have created more challenges in implementing the technologies irrespective of the size of the country. The biometric identification is only implemented in bigger polling locations, because of its high cost.

India: Hon'ble Commissioner of India Dr. Zaidi shared the Indian experience in using technology in electoral management and addressed some concerns raised by Afghanistan. ECI faced problems of duplication of names in voter registration database –in case of similar sounding names, same names of the father/mother, resembling photographs etc. In order

to correct such lists, de-duplication software is being used. ECI launched a pilot project to verify voters from the huge database, trying to seal the biometric voter ID to EPIC (Electoral Photo Identification Card) number system to find out genuine voters. This project is being piloted in two constituencies - one in north and the other in the south. ECI is also trying to use the biometric system in polling locations during voting on pilot basis - as this requires huge investment. ECI assures in assisting Afghanistan in procuring machines, training and implementing to use the EVMs. The rate of malfunction of an EVM is very negligible. Regarding the fear of losing jobs, it actually would not happen. They will find probably better jobs in other sectors - as was the case in 90's when computers were introduced in the banking sector.

Technical Session 9: Media and Elections

Presenter:

Hon'ble Mahinda Deshapriya, Commissioner of Elections
Department of Elections, Sri Lanka

Chair:

Hon'ble Kazi Rakibuddin Ahmad, Chief Election Commissioner,
Election Commission of Bangladesh

Discussant:

Hon'ble Ahmad Yusuf Nuristani, Chairman,
Independent Election Commission of Afghanistan



SYNOPSIS

The media has a critical role to play during the elections in facilitating participation of citizens and in enabling voters to make informed choices. Freedom of expression and freedom of political debate are fundamental to free, fair and genuine elections. Elections can be declared free but not deemed fair if political parties have varying level of access to the public media in particular and when there no level playing field.

In Sri Lanka, there are quite a large number of private media – both print and electronic – as well as state run media channels. The issue of controlling these media channels arises during elections. In order to create a level playing field, Guidelines are issued by the Commissioner of Elections to the electronic and print media in regard to broadcasting/telecasting/publishing of matters related to election.

There is a provision barring mass meetings and election rallies during the last 48 hours before the election. It is vital that a period of silence prevails just before the date of poll so voters get to contemplate and analyze the pros and cons of various policies announced and promises/commitments made by the contesting political parties and candidates during in the run-up to the election.

Blatant biased news/defamation/cartoons/caricatures could cause distrust about the election process and the results. This has greatly damaged the image and the credibility of the activities relating to elections. Therefore, regulation of free and paid political advertising and editorial coverage in the broadcast and print media might be crucial, but it also is complex and challenging.

(The complete discussion paper has been presented in Annex 15)

DISCUSSION

Chair: Hon'ble Chairperson Chief Election Commissioner of Bangladesh Kazi Rakibuddin Ahmad added that media is an important part in electoral process and can be neither avoided nor controlled. It is important to educate and train voters and media during elections for accurate information.

Afghanistan: Hon'ble Chairman of the IEC of Afghanistan Ahmad Yusuf Nuristani opined that similar situation prevailed in Afghanistan. The Commission has invested a lot of money in public outreach programmes. It is particularly difficult to control the social and new media. It is important to educate the public and the media on their responsibilities.

India: Hon'ble Commissioner of ECI Dr. Zaidi remarked that ECI is also facing similar problems. Therefore, as part of electoral reform, ECI has represented the law makers to bring different facets of media into regulatory framework. However political parties do not want to antagonize the media, out of apprehension that they may lobby against the government and/or political parties.

ECI is trying to tackle this problem with several measures. First, through the strict enforcement of model code of conduct; secondly, dealing with subjective news especially promoting one party or a candidate or disfavor of a party or candidate also called paid news. Instead of taking actions against media, the commission acts through the candidates. District level media committees are formed throughout the nation to detect and verify paid news in television or print media. The money that has been paid by the candidate for favorable publication, against another candidates is added to his account and, as per the determined ceiling, if exceeded is disqualified from the candidature. This initiative has worked very well. A leading politician's paid news had exceeded the ceiling limit and was disqualified. The commission is seeking paid news to be an penal offence however, it is yet to be considered. Thirdly, with cooperation from Press Council and National Broadcasting and Standard Authority, ECI is initiating to take necessary actions in terms of paid news. In case of misuse of government resources through advertisement - the Supreme Court has ordered that the advertisement should be six months before the elections and ruling party cannot use the public resources for advertisement for political agenda.

Bhutan: Honorable CEC of ECB Mr. Wangdi revealed that Commission of Bhutan funds the national Television for press releases to avoid misunderstanding and misinterpretation. Regarding public opinion including exit poll, the Commission orders them to release only

after the declaration of results. ECB also handles commercial activity, and give some incentive to the media house for every space.

Maldives: In the last election Maldives had five presidential candidates. Every candidate had their own TV space. Maldives has so many authorities - broadcast commission, media council, media regulatory body and so on, but no control over them.

Nepal: Honorable Commissioner Ila Sharma suggested that the best way to go is to keep the flow of information very substantial. The commission should provide enough news and information to the media on time and don't have to rely on other news. And, as ECI suggested, going to the candidate rather than to the media is the other better way to check the illegal expenses.

Nepal: Honorable CEC of Nepal Neel Kantha Upadhyay pointed that the problems across the region are mostly the same. In Nepal there are 366 FM stations all over the country and many of them are run by different political parties and persons. Controlling media is not a good word, media cannot be controlled. We have to be cautious to be provide subjective news and should have our own media outlet and media unit within the EMB. Media monitoring should be conducted by the management body. Social media should also be monitored and utilized.

Technical Session 10: Determinants of Voters' Choice and Women's Political Participation

Presenter:

Mr. Kibu Zangpo, Election Officer, Election Commission of Bhutan

Chair:

Honorable Neel Kantha Uperty, Chief Election Commissioner, Election Commission, Nepal

Discussant:

All Member EMBS



SYNOPSIS

The fourth meeting of FEMBOSA resolved to undertake a detailed and scientific study of the determinants of voter's choice and explore the appropriate ways to facilitate women in their political participation in South Asia. Election Commission of Bhutan took a lead role to carry out the study and all FEMBOSA member EMBS contributed to the study. With participation of FEMBOSA member EMB representatives, a consultative meeting was held in Paro, Bhutan on 14-15 October to consolidate the research work. This paper presents the process and outcome of the study.

Main objectives of the research were to work on the following issues:

1. Assess Determinants of voter's choice
2. Identity factors affecting women's participation
3. Why less no. of women are nominated and elected
4. Identify the support needed

5. Assess the adequacy of the work environment, institutional and legal framework
6. Develop strategies and procedures

Some of the findings that the research concluded have been mentioned below:

- Literate population of women is higher in urban areas than in rural areas
- The common motivators of an elector for voting were:- Common forum & Public Debates in general and friends & relatives had more influence on women
- Information and choice – women are dependent and men are relatively independent.
- Choice – Credible, competent & better representation
- Degree of control over decisions- voting
- Perception of men as better leaders and more capable
- Men are more qualified, experienced and preferred
- Belief and trust in women leadership with more education and experience
- Gender belief differs with education
- Women declare they will vote in future elections and vote for women (but it is not themselves as candidates but others)
- Party and family support is important
- With domestic and family responsibilities, women lack confidence

In order to improve the current situation, some recommendations have been made. All stakeholders of electoral and political processes need to acknowledge the issues of women's participation in elective offices and take appropriate measures to address them. Factors of social, economic and cultural natures need to be tackled through multi-sector approach. Socio-cultural belief systems and traditions that supposedly undermine the women's social and cultural statuses need to be tackled through concerted education and information dissemination efforts. Civic and voter education will have to be undertaken on a continuous basis through targeted approach to ensure that not only the women but men are also sensitized to support the women's political and electoral aspirations and participation. Quota or any form of reserved representation should not be viewed as the ultimate solution to enhance political participation and representation. It is better to directly deal with core issues relating to social, cultural and economic factors that ultimately affront the women's political participation.

(The complete discussion paper has been presented in Annex 16)

DISCUSSION

Bangladesh: Honorable Chief Election Commissioner Mr. Kazi Rakibuddin Ahmad opined that inclusion is a very central issue in elections. In Bangladesh 50% population are women. Female participation in politics are only demonstrated at the higher level, but at the lower level they are still lacking behind. So during consultative meeting in Bhutan, Election Commission Bangladesh raised this issue and took it seriously to conduct a scientific study based on information and statistics and find out where the problem lies. The commission has always encouraged female colleagues that political parties should not take you as a women candidate but a winning candidate. IT has asserted that women are assets to the political parties has articulated political parties to have 33% women participation by 2020 in their policy level to field level executive committees.

Nepal: Honorable Commissioner Ila Sharma agreed that approach towards inclusion should be multi-targeted. Only electoral reforms and regulations would not be enough to address

the issue. There need to have educational and financial independence for women. ECN has recently endorsed gender policy, a gender strategy and action plan for one year. Gender unit has been established and is in a process of drafting anti-harassment policy for election administrators.

Afghanistan: Honorable CEC of Independent Election Commission of Afghanistan stated that half of the population in Afghanistan is women. The commission is struggling for women's participation as only 25% participation is there in presidential election. In 2002 we had statistics of 1 million girls to school to 9 million at present. Gender unit is present in the Commission to fulfill the purpose of encouraging women to participate in awareness programs. In the Commission, out of nine Commissioners, three commissioners are females although it doesn't say in the law to have 1/3 as Commissioners. In the national parliaments there are two women cabinet ministers, 68 women are parliamentarians out of the 249. The commission believes that the commission has made progress towards women's participation despite the country is rugged in war for 35 years.

Chair: Honorable CEC of Nepal Neel Kantha Uprety concluded the session with remark that, affirmative actions are important to bring women in the mainstream. Nepal could be seen as the best in the region in terms of representation of female member in the elected constituent assembly. As the country is in the process of drafting and writing a new constitution, ECN has recently recommended the government to have provision for equal representation of women not only as candidates but also as elected representatives.

Presentations by Support Organizations

After concluding the technical sessions, the representatives from UNDP/ESP, IFES and International IDEA made short presentations.

UNDP/ESP Technical Advisor Mr. Andres del Castillo presented on the electoral support background, areas of support and upcoming support activities through the project. Mr. Castillo pointed out that UNDP is currently extending support to the member nations in their efforts to hold democratic elections, building sustainable institutional capacity and reducing the potentials of election related violence. He added that Electoral Support Project in Nepal is currently running in second phase and plans to support ECN in several fields such as implementing ECN strategic plan, biometric voter registration, implementing Gender Policy, decentralizing Electoral Education Information Center, mobile voter education kits and Election Dispute Resolution.

IFES Regional Director Mr. Vasu Mohan highlighted on the support provided by IFES in several fields such as Governance and Democratic Process in South Asia. In order to support strengthening the EMB's role in leveling the playing field, Mr. Vasu informed, IFES has published many publications with best practices and practical issues on several themes related to governance. Mr. Vasu added that EMBs are doing a lot to reach out and strengthen democracy and, in the process, IFES hopes to be of help to the EMBs in mainstreaming the voices of most marginal people in decision making process.

International IDEA Regional Director Ms. Leena Rikkila Tamang delivered a presentation on "The Growing Cost of Campaigning: Challenges to Regulation and Enforcement". The presentation highlighted on the contents of the recently published handbook of International IDEA entitled "Funding of Political Parties and Election Campaigns: A handbook on Political

Finance". The Handbook was developed through combining comparative research using a number of country-examples from Asia, Latin America, established Anglophone democracies, Western Europe, Eastern Europe & Central Asia, and Africa. She added that the handbook also highlights many current problems that exist within the realm of political finance, and offers solutions that may improve political competition, and by extension, the democratic process; and therefore, the handbook and the IDEA database could be of immense use for the EMBs in managing the political finance in the respective countries.

The forum appreciated the efforts made by the support organizations and expected continued support in the electoral management endeavor of the EMBs.

CONCLUDING SESSION

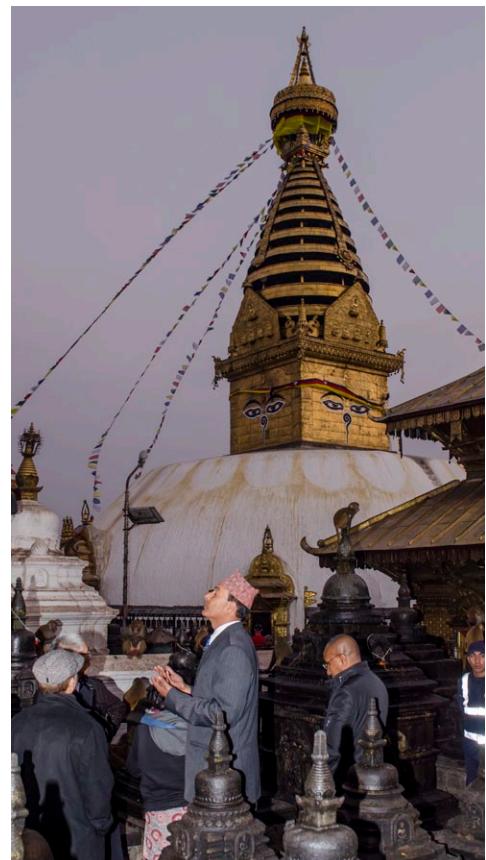


Honorable chairman of the FEMBoSA acknowledged the support made by the Commissioners, Secretary and the staff of the Election Commission, Nepal for their true support in making the Forum meeting a grand success. Honorable chair addressed for the contribution made by Honorable Commissioner Ila Sharma for wholeheartedly coordinating the meeting. Honorable chair thanked honorable Lail Ahrary, Election Commissioner of the Independent Election Commission of Afghanistan for her participation and contribution in the meeting. The chairman was obliged to all the honorable delegates of FEMBoSA member EMBs for coming to Nepal and vigorously participating in the meeting. With the remarks, the fifth FEMBoSA meeting was concluded.

MEET THE PRESS



SIGHT SEEING



ANNEX

Annex 1: Stewardship Report presented at 5th Meeting by ECB

The Election Commission of Bhutan assumed the Chair of the Forum of the Election Management Bodies of South Asia (FEMBoSA) at the 4th Forum Meeting on the theme Sharing Experiences and Resources for Better Electoral Practices in South Asia held in Thimphu from 1st to 4th of October 2013. This Report covers the activities of the FEMBoSA for the period starting from October 2013 to November 2014 carried out by different member EMBs:

Bhutan

1. The FEMBoSA logo and flag were finalized and the ECB will present on this occasion a FEMBoSA flag each to each member-country for use at FEMBoSA events in our respective countries. *(Resolution No.1)*
2. On enhancement of seats to be allocated to Asia on the Executive Board of the Association of World Election Bodies (A-WEB), communications have been sent to the Chairperson, National Election Commission of the Republic of Korea on 7th of October 2013, three days after the FEMBoSA forum meeting, as well as on 19th of September 2014. The copies of these communications are being handed over for further follow-up by the new Chairperson. *(Resolution No.4)*
3. The website of FEMBoSA www.fembosa.org was launched on 16th of January 2014 when commemorating the Foundation Day of the ECB. It is being hosted by the Election Commission of Bhutan. We hope it will be of service and benefit to member countries for communication, sharing of experiences and disseminating information related to FEMBoSA. *(Resolution No.9)*
4. A detailed and scientific study of the Determinants of Voter's Choice and Explore Appropriate Ways to Facilitate Women in their Political Participation was carried out followed by a consultation meeting to present findings and consolidate research was held at Paro, Bhutan from 14th to 15th of October 2014. *(Resolution No.11)*
5. As resolved to dedicate one day in a calendar year as National Voters' Day (NVD) in respective countries, the Election Commission of Bhutan designated 15th of September which is also the International Day of Democracy, as the National Voters' Day. The first-ever NVD in Bhutan was observed successfully on 15th of September 2014. *(Resolution No.14)*

In observing the NVD, the Election Commission of Bhutan dedicated the day to "Youth in Democracy" to highlight the importance of the youth who, in the young Bhutanese democracy, must share the burden and responsibility to strengthen the democratic culture and values as citizens and as potential leaders of tomorrow.

Bangladesh

6. In the first week of January 2014, the Election Commission of Bangladesh invited a team from the FEMBoSA member countries to observe the 10th Parliamentary Elections in Bangladesh. Two-member delegations from Election Commission of Bhutan and from the Election Commission of India observed the general elections. (*Resolution No. 6*)

India

7. Upon the invitation of the Election Commission of India, delegations from the member countries visited India on a study visit for the Lok Sabha Elections 2014. The group visited Shimla from 4th – 9th of May 2014. (*Resolution No.6*)
8. The Chief Election Commissioner of Bhutan along with the members from the FEMBoSA witnessed the counting process of Maharashtra and Haryana State Legislative Assembly Elections from 17th – 22nd of October 2014. The group also attended the Workshop on Democracy and Election Management in New Delhi.

Nepal

9. Hosted visit of the Chief Election Commissioner of Bhutan to discuss the issues for 5th FEMBoSA on 7th – 10th of June 2014.
10. As agreed by the Election Commission of Nepal, the 5th forum meeting is being conducted here at Kathmandu on 29th of November to 1st of December 2014. (*Resolution No.10*)

Since comprehensive Reports of activities undertaken by EMBs of Afghanistan, Maldives, Pakistan and Sri Lanka could not be received as communicated vide letter No. ECB/CEC-15/2014/580 dated 34th of September and ECB/CEC-12/2014/791 dated 10th of November 2014 respectively, we could update the information on FEMBoSA website upon receipt of the same in this Forum.

Conclusion

It was a great privilege and pleasure for the Election Commission of Bhutan to serve as Chair of the Forum and I would like to thank all the members for their unstinted support, contributions and cooperation in further strengthening the Forum of the Election Management Bodies of South Asia. I would like to reassure all members, particularly the new Chair, of my highest considerations and my wishes and prayers that FEMBoSA will grow from strength to strength. I am confident the Election Commission of Nepal will keep the FEMBoSA flag flying high!

Hearty congratulations to the Election Commission of Nepal and thank you for your warm hospitality and ensuring the success of this Forum Meeting here in the beautiful and sacred city of Kathmandu.

Proposed Strategic Plan for FEMBoSA 2014-2015

1. Follow up on the Membership of FEMBoSA of the Association of World Election Bodies (A-WEB).
2. Follow-up on seats Allocation for Asia in the Executive Board of A-WEB in order to maximize the representation of Asian countries in the global forum, given that Asia has 60 percent of world's population representation.
3. Each EMB to undertake studies and research on electoral best practices on voter registration and technologies, on voter education and electoral participation.
4. EMBs to invite officials to witness elections and undertake study tours.
5. EMBs to hold capacity development trainings and workshops for officials in the respective training/resource centers, and share information and update electoral training modules and/or curricula.
6. Manage FEMBoSA website: www.fembosa.org developed and run so far by ECB.
7. Follow up on study electoral participation of women in elections.
8. Develop South Asian criteria for an independent EMB- the South Asian model.
9. Develop a South Asian Approach on Management of Social Media and ICT during elections.

Annex 2 : Campaign Finance (Thematic Paper by Nepal)

POLITICAL FINANCE IN NEPAL

By: Neel Kantha Uprety,
Chief Election Commissioner, Election Commission, Nepal

1. Introduction

Political finance relates to candidates and political parties' income and expenditures, which are formal and informal, as well as financial and in-kind. These transactions may occur within or outside of the campaign period, or they may not be directly related to a campaign.

Campaign Finance refers to transactions related to an electoral campaign. Transactions may include formal financial or in-kind donations or expenditures. Formal transactions that occur within the scope of the law may be augmented by public financing of campaigns. Informal transactions occur outside the scope of the law and range from vote buying to unaccounted in-kind support from private and government enterprises, to abuse of public resources.¹

This paper analyses the existing regulations in the Federal Democratic Republic of Nepal (herein after referred “Nepal”) regarding the funding of political parties and election campaigns.

Money is a necessary part of the democratic and electoral process. Political parties and candidates need resources to reach out to the electorate, describe the policies they wish to pursue, and engage the electorate in a dialogue about their needs and aspirations.

Unfortunately, the very existence of money in the political process in any country creates temptations to engage in corrupt activities. Wealthy interests may seek undue advantages over the political process through financial assistance to political parties. Unscrupulous politicians may use money to buy political support rather than trying to convince the voters that they have the best political programme. Government, foreign or anonymous resources may be used to taint elections, and even if no corrupt or malicious acts are attempted, the fairness of the electoral process can be damaged if some stakeholders have access to much more resources than others.

In recognition of these potential challenges, all countries in the world have at least some regulation on political finance.² These regulations vary significantly, but focus overall on how political parties and candidates are allowed to raise and spend money. Rules also exist in most countries prohibiting vote buying and the abuse of state resources in relation to elections.

Sources

While the regulation of ongoing political party finance is mainly regulated in the Political Parties Act, 2001 campaign finance provisions are found in several laws and regulations. The most important laws are the Interim Constitution of Nepal 2007, Section 2 of the Election to Members of the Constituent Assembly Act, 2007, Section 6 of the Election Commission, Act, 2007 and Section 2 of the Election (Offences and Punishment) Act, 2007. There are also important other regulatory frameworks such as the Codes of Conducts that were created for the 2008 and the 2013 Constituent Assembly elections, the Political Party Registration

1 Ohman, Magnus (2013) Political Finance Oversight Handbook, Page 183 & 185.

2 Ohman, Magnus (2012) Political Finance Regulations Around the World. International IDEA, page 11.

(Election Purpose) Regulation 2007 (2063) and the Code of Conduct to be observed by Mass Media during the Constituent Assembly Elections 2008 and 2013.

Data regarding the political finance regulations in other countries have been taken from the International IDEA political finance database, unless otherwise specified.³

2. Regulations on political party finances

The interim Constitution of Nepal, 2007 (Constitution) guarantee for the prohibition on the imposition of restriction on political parties and it also includes a general provision against undue interference in the activities of political parties. Article 141.1 of the Constitution protects the right to form and carry out political party activities, prohibition on imposition of and it states that “any law, arrangement or decision which restricts any such activities shall be deemed to be inconsistent with this Constitution and shall, ipso facto, be void”. While the political party finance provisions discussed below have presumably been deemed not to restrict the activities of parties, this Constitutional provision can be seen as limiting the interference into party financing that can be imposed by Nepalese law.

Political party income regulations:

Donation bans and limits for political parties

Donation bans are normally used to completely stop income to political parties from sources seen as especially detrimental to the democratic process. Most countries in the world use at least some bans on donations to parties, most commonly from state institutions and from foreign sources.

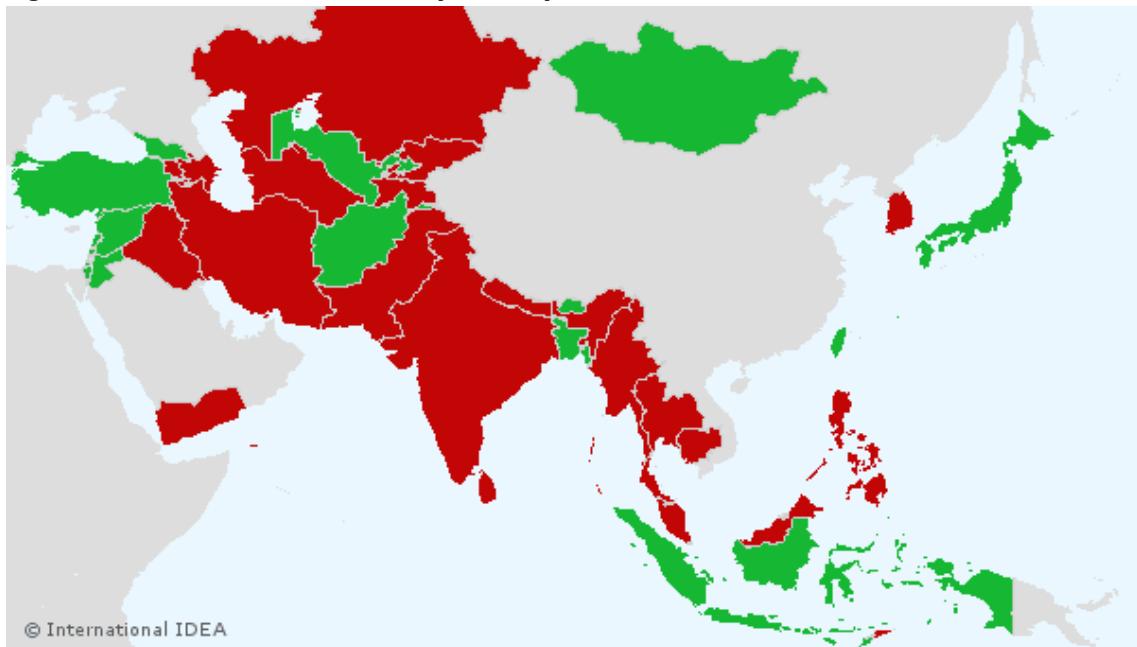
The Political Parties Act includes one restriction on donations that registered political parties are allowed to receive. This relates to foreign donations, and more specifically any “...grant or donation from international organization, institution, foreign government, person, association or institute” (Section 5.g). Bans on donations from foreign sources exist in around two thirds of all countries internationally, but in nearly 90% of countries in Asia.

In contrast to donation bans, donation limits are used to reduce the influence of people and organisations with significant access to resources and to make the electoral playing field more even, allowing new voices to be heard as well. There are no donation limits to political parties in Nepalese legislation. In this regard, Nepal is in line with the overall Asian (and international experience), though it can be noted that nearby Bhutan and Bangladesh both use limits for the amounts that an eligible donor can provide to a political party per year.

As there are no limits on the amounts that can be given to a political party on an ongoing basis, there can be no violations of excessive donations for the Election Commission of Nepal (ECN) to oversee. There are however reporting requirements for political parties regarding their received donations.

³ The International IDEA political finance database includes data on 43 types of regulations in 180 countries, with a response rate of over 92%. The data is available on www.idea.int/political-finance. The database was created in 2012, and while some data has since been updated, some information in that database may be outdated or inaccurate.

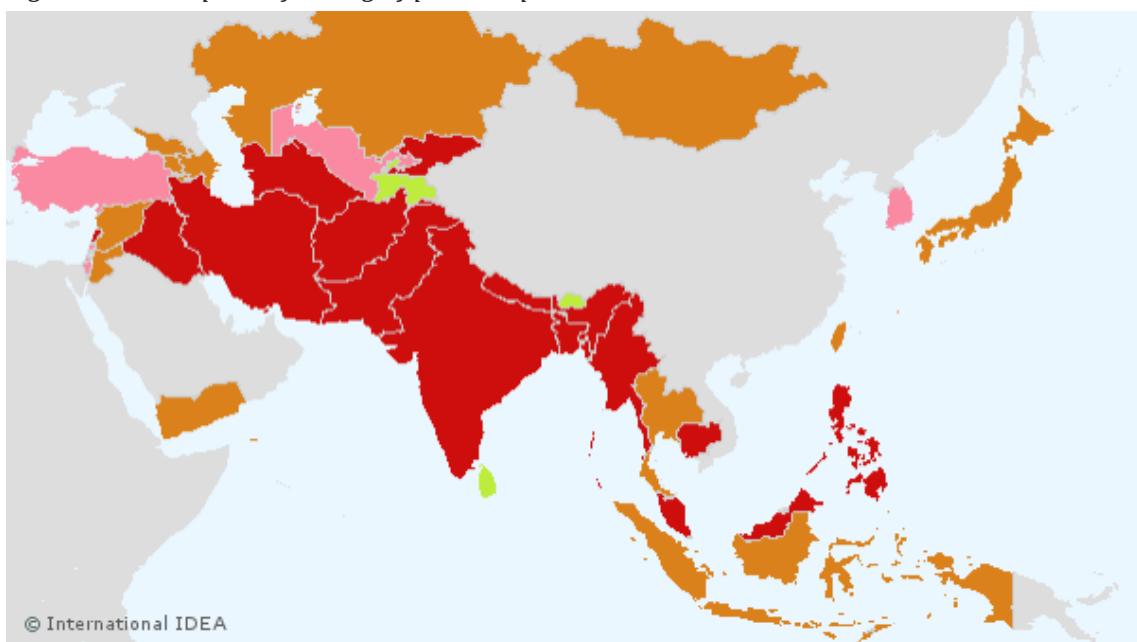
Figure 1: Annual donation limits to political parties in Asia⁴



Public funding for political parties

Public funding of political parties is normally used for one or both of two reasons: to reduce the relative gap between rich and poor political parties or to ensure that all relevant political forces have the resources necessary to communicate with the electorate. Globally, around 55% of all countries provide direct public funding to political parties on a regular basis (outside of election campaigns).⁵

Figure 2: Direct public funding of political parties in Asia⁶



4 All the maps in this report are taken from the International IDEA political finance database.

5 Just over two thirds of all countries provide direct public funding regularly and/or in relation to election campaigns.

6 In this figure, the colour red indicates that no direct public funding is provided, while brown shows that direct public funding is provided in relation to election campaigns, green that it is provided on a regular basis and pink that both forms of funding is available. Data is not available for countries in grey (for some of these countries, no political parties are allowed to register).

South Asia stands out from much of the rest of the world in that direct public funding is seldom used. In fact, the Maldives is the only country in the region that provides ongoing public funding to political parties (Bhutan and Sri Lanka provide public funding to political parties specifically in relation to election campaigns).

There is no direct public funding of political parties in Nepal today. In addition, Nepalese political parties do not benefit from indirect public funding on an ongoing basis.

Political party spending regulations

The next area concerns limitations regarding how and how much money political parties are allowed to spend outside of election campaign periods. Rules of this kind could reduce the advantage of political parties with access to significant resources. However, spending limitations outside electoral campaign periods are rare. In line with the international experience, there are no limitations on how Nepalese political parties may spend their funds, nor on how much they are allowed to spend outside of election campaigns.

Constitutions of the political parties' include the provision of sources where from political party raise and spend their funds. Political parties also should keep the provision of auditing of their annual income and expenditure (Section 11 of the Political Party Act, 2001)

Regulations on political party book-keeping and reporting

It is important to enhance the transparency of political party financing outside of electoral periods. The United Nations Convention Against Corruption (UNCAC) calls on State Parties to;

...consider taking appropriate legislative and administrative measures, consistent with the objectives of this Convention and in accordance with the fundamental principles of its domestic law, to enhance transparency in the funding of candidatures for elected public office, and where applicable, the funding of political parties" (Article 7.3).⁷

This provision is not limited to electoral periods, but covers all activities by political parties ("where applicable" in the convention was presumably added in relation to countries where political parties are banned or de facto do not exist).

Book-keeping regulations for political parties

According to the Political Parties Act, 2001 the statute of a registered political party must include "the provisions on party fund and its audit" (Section 4.h). Apparently, political parties must maintain records of campaign spending as separate from ongoing party spending, since the Act notes that "Election expenses made by the party shall be mentioned in its Account" (Section 11.3). There are no other explicit references to book-keeping by political parties, though indirectly they are required to maintain records allowing them to submit annual financial reports as required by law.

Financial reporting requirements for political parties

As per the Political Party Act, 2001, Section 12, political parties must submit annual financial reports to the Commission. These reports should cover their income and expenditure, and be submitted no later than six months after the end of the fiscal year. The most recent fiscal year ended on July 16, 2014, meaning that the next deadline for annual financial reports will be mid-January 2015.

⁷ Nepal signed UNCAC in 2003 and ratified the convention in 2011.

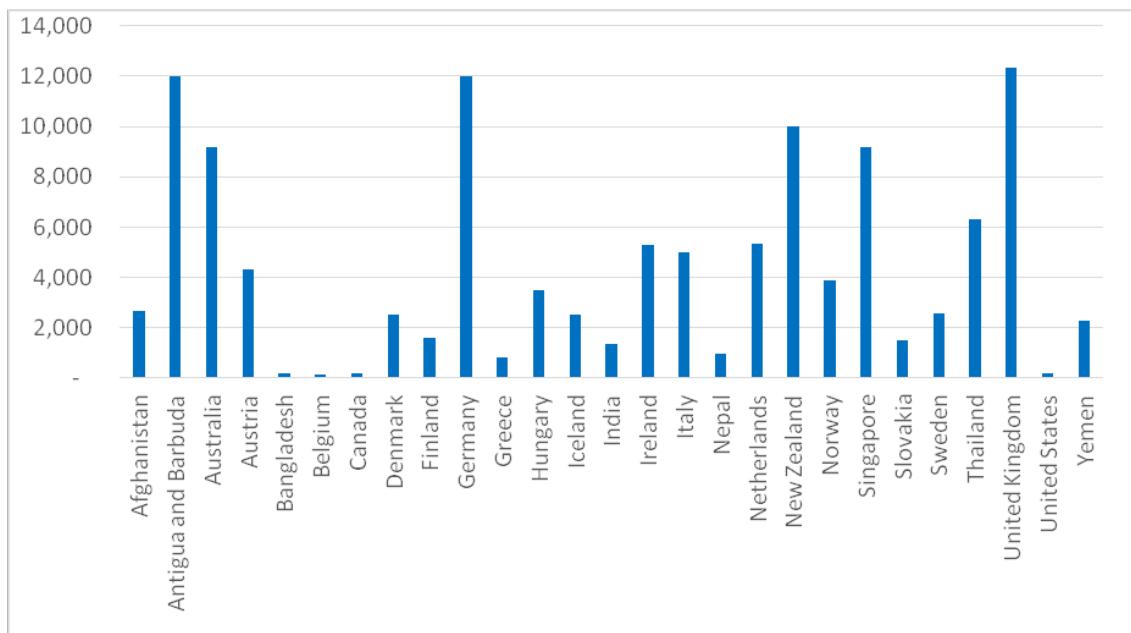
While the Act gives no further guidance as to the reporting of political party spending, it states that the income reported should include the “name, address and including profession (occupation) of the person and the name of corporate body...” of anyone who has donated more than 25,000 NPR. In addition, each political Party should publishes its financial report within the six months of the end of the fiscal year. The table below shows the regulations regarding political parties reporting the identity of donors internationally and in Asia.

Table 1: Requirements on reporting the identity of donors

Regulation	Globally ⁸	Asia
Always	43%	57%
If donations exceed certain value	27%	26%
Never	17%	9%
No financial reporting requirements	12%	9%

The particular threshold used in Nepal, 25,000 NPR of around 950 dollars taking into account PPP, is below that used in many other countries. Among the 27 countries for which relevant data has been found, the median threshold for reporting the identity of the donor is around 3,000 dollar, taking into account PPP*. These limits are illustrated in the figure below.

Figure 3: Threshold for reporting the identity of donors, USD at PPP



The figure above shows that there is very significant variation regarding the level at which reporting the identity of a donor is required. Among Asian countries can be mentioned the threshold of 200 dollars in Bangladesh, 1,350 in India and 6,290 in Thailand, all taking into account PPP.

⁸ Data is missing for 11 countries in the International IDEA political finance database. These have been excluded from the calculations.

* PPP - Purchasing Power Parity

There are also special reporting requirements for political parties intending to take part in elections, although only before the start of the electoral campaigns.

3. Campaign finance regulations

In many countries, most political activity takes place during the period before elections. Regulations on campaign income and spending can therefore play a crucial part in attempts to control the role of money in the political process.

Campaign finance income regulations

Realizing the importance of money in the electoral process, countries around the world use various limitations on how political parties and candidates are allowed to raise funds. Unfortunately, this is an area where there are often significant gaps between the regulations on political party and candidate income, for example by having bans or limits on certain donations to parties but not to candidates or vice versa, opening loopholes to bypass the regulations. In Nepal, most of the campaign finance Regulations are directed by the Election Code of Conduct.

Campaign finance donation bans

The rationale for banning donations to election campaigns is largely the same as for similar bans to political parties on an ongoing basis.

There is reportedly a ban on foreign donations to election campaigns, although no legal provision has been found that addresses this issue.⁹ Apart from this, no restrictions have been found on the sources from which election candidates (either first past the post or in proportional representation elections) may draw their income.

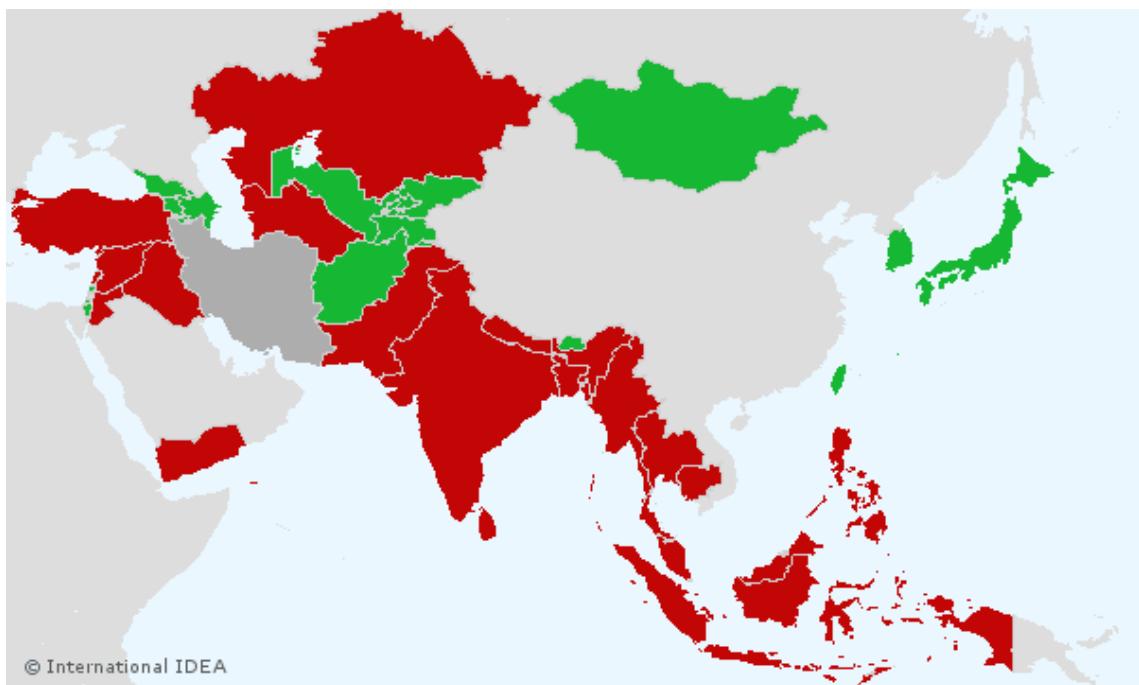
Campaign finance donation limits

Donation limits in relation to election campaigns are normally used to reduce the influence that wealthy interests may have over electoral contestants. Globally, limits on donation to electoral candidates are used in 30% of countries, and in 38% of countries in South Asia (Afghanistan, Bhutan and the Maldives).

There are no quantitative donation limits to election campaigns in Nepal. As discussed below, there are also no reporting requirements regarding sources of campaign income, which means that even if limits existed, the compliance with such limits would be very difficult to monitor.

⁹ See <http://www.idea.int/political-finance/country.cfm?id=166>

Figure 4: Donation limits to electoral candidates



Campaign finance public funding

It is more common for political parties to provide direct regular public funding than to limit it to campaign periods only (over half of the world's countries provide regular funding while only around a third do so for election campaigns, with some 35 countries doing both). Normally the reason is to support political party activities also outside of election campaigns, to aid their engagement in the ongoing democratic process.

In Nepal, there is no direct public funding for political parties during campaign periods, just as there is no ongoing support provided.

However, some indirect public funding has been provided, in particular airtime for campaign messages. Such assistance is mandated by law (as far as has been ascertained during this analysis), but has been regulated through Code of Conduct issued by the ECN. In the Election Code of conduct 2013, the provision of air time on radio and television is to be provided to the political party in proportion to the votes they have obtained in the Constituent Assembly Election of 2008.

In the *Code of Conduct to be observed by Mass Media during the CA Elections 2008*, the ECN stated that all political parties taking part in the proportional representation elections should receive free airtime in proportion to the number of candidates fielded by each election. In Code of Conduct of 2008 (Section 73) and 2013 (Section 91), each eligible party should receive three sections of air time, first 5-20 minutes of radio air time (depending on the number of candidates fielded), 2-5 minutes of TV air time, and finally one minute on TV shortly before the campaign silence period.

Campaign finance spending regulations

The most common restrictions on election campaign spending are bans against vote buying and the spending of state resources in relation to election campaigns, while quantitative limits are less common.

Some countries have significant restrictions on how political parties and candidates are allowed to campaign, for example banning not only the use of TV advertising, but also print media advertising and billboards. Such restrictions are common in the Middle East, but also in some Asian countries such as Bhutan and partly in Singapore.

Campaign spending bans

While the limits discussed in the next section of this paper regulate the amounts that political parties can spend in relation to election campaigns, the Election (Offences and Punishment) Act, 2007 includes restrictions on the types of expenses that election campaigns can incur (Section 13 and 16). Election campaigns are not allowed to use posters, banners or wall paintings, and leaflets must comply with the provisions on size, shape and colour determined by the ECN. Campaigns are allowed to use public assemblies, but are banned from using public announcement systems outside of such assemblies (or informing people that such assemblies are going to be held (Section 13.2). Election campaigns are not allowed to use more vehicles for campaigning purposes than a number determined by the ECN for each election (Section 16.1). Election Code of Conduct, 2013 states that NGOs are not allowed to do campaigning for a political party or candidate. Similarly, election campaigns are banned in schools.

It seems that further details on banned forms of campaign materials have been included in the Codes of Conduct created for the 2008 and 2013 elections. The European Union Election Observation Mission in the 2008 elections stated that some of the provisions “appear excessively detailed or restrictive, going as far as to set precise formats for flags to be used in processions”.¹⁰

The ban on campaign commercials being broadcast during the two days before polling day indicates that there is no ban on such election commercials being produced and broadcast during the campaign period itself. However, Code of Conduct, 2013 stated that no editorial is to be written or broadcast in favor of, or against, any Political Party or candidate (Section 87), and appropriate opportunity is to be given to political parties or candidates to express their views, policies and program to voters (Section 88). Using banned forms of campaigning can lead to fines.

Campaign spending limits

There are spending limits for candidates and political parties in CA elections, according to Section 70 of the Election to Members of the Constituent Assembly Act, 2014. The exact limit is not set down in the law, instead the ECN is required to determine the limit by candidate (for elections under the first past the post system) and for parties (for elections under the proportional list system). The Commission publishes information about these spending limits in the Nepal gazette.

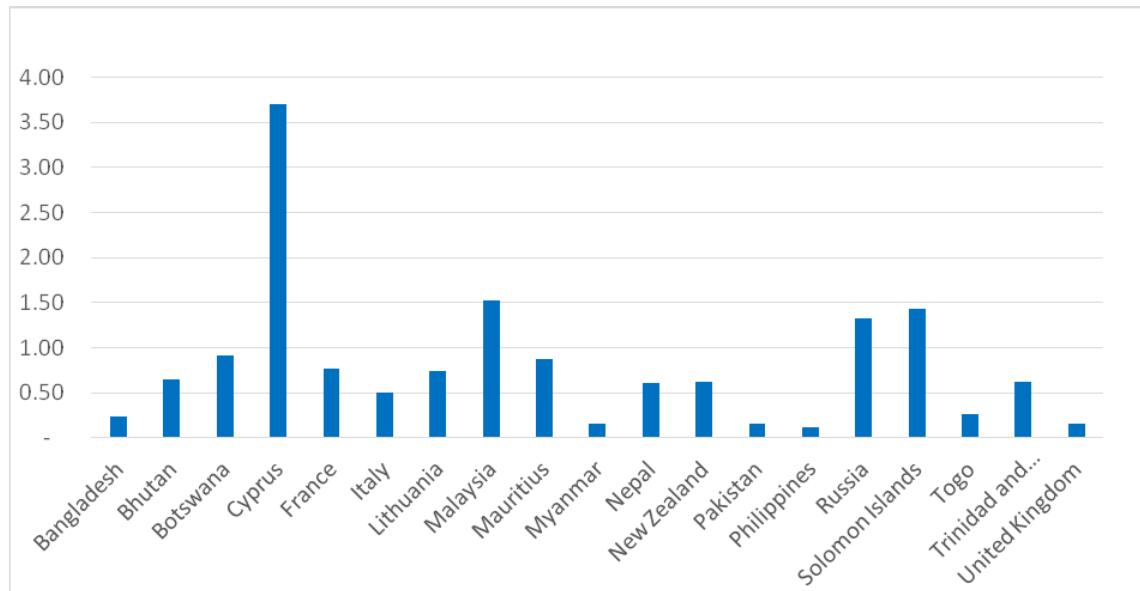
The law provides no guidance to the ECN regarding criteria to use in determining the spending limit, nor if the limit should differ in different constituencies to take into account variation in constituency size. Usually, it is done by expressing the spending limit as a certain amount per registered voter in each constituency, or both a fixed amount for each candidate and an amount per registered voter in each constituency. For first past the post candidates, limit was set at one million NPR in the 2013 elections, an increase from 459,500 NPR in the 2008 elections. Even taking into account the inflation in Nepal, this represents a real

¹⁰ European Union Election Observation Mission (2008) Nepal, Final Report, Constituent Assembly Election 10 April 2008. September 2008. Page 33.

increase in 2013 by 37% in comparison to the limit in 2008.¹¹

To compare these limits with those used in other countries, it is best to calculate the average spending limit by voter, since the constituency sizes vary significantly between countries. In the graph below we use the average voting age population size per constituency, and the limit is expressed in US dollars, taking into account the purchasing power parity (PPP) in different countries.

Figure 5: Spending limit for parliamentary candidates, USD at PPP by voting age population



On average, Nepalese first past the post candidates in the 2013 elections were allowed to spend 0.77 dollars, taking into account PPP.¹² This is in line with the international experience: the median spending limit among the 22 countries worldwide for which data has been found is 0.64 US dollars (at PPP). Note that three countries with exceptionally high spending limits have not been included in the table. These are the Maldives, which has the highest spending limits of any countries in the world at around 196 dollars (at PPP) per eligible voter. The limit in Liberia amounts to around 27 dollars at PPP, and in the small nation of Tonga the limit is around seven dollars per voter at PPP. These exceptions aside, most countries place the limit significantly below one dollar per eligible voter, just as Nepal.

The spending limit for political parties in the 2013 election campaign was 75,000 NRP (around 197 dollars taking into account PPP) for each candidate presented on the proportional representation list. Any party presenting a full list of 335 candidates (for each of the seats filled through proportional representation), would therefore have a spending limit of 25,125,000 NRP (around 66,118 dollars taking into account PPP). With a voting age population of around 15 million, this amounts to around 1.7 NRP per eligible voter, or around four US cents taking into account PPP. The spending limit was 50,000 NRP in the 2008 elections, and taking into account inflation, the 2013 change amounted to a lowering

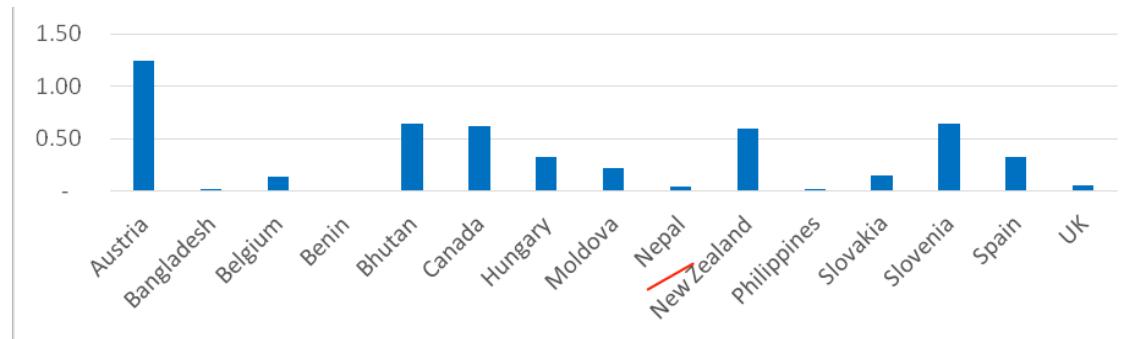
11 The real change (taking into account accumulative inflation) was calculated using inflation data from <http://data.worldbank.org/indicator/FP.CPI.TOTL.ZG/countries/NP?display=graph>

12 In this study, the conversions taking into account variations in purchasing power parity (PPP) between countries have been made using US dollars and PPP as benchmark. The Data on PPP conversion rates are taken from Alan Heston, Robert Summers and Bettina Aten, Penn World Table Version 7.0, Center for International Comparisons of Production, Income and Prices at the University of Pennsylvania, May 2011. Using these calculations, 100 NPL is the equivalent of 3.8 dollars at PPP.

of the spending limit in real terms by 5%.¹³

This limit is fairly low in an international comparison. Of the 16 countries for which relevant data is available the median spending limits for political parties in parliamentary elections is 23 US cents at PPP (depending in particular on the electoral system used, these spending limits may be on top of limits imposed on individual partisan candidates). The situation is illustrated in the below graph.

Figure 6: Spending limit for political parties in parliamentary elections, USD at PPP by voting age population



Again, there are some outliers. For example, in the (Former Yugoslav Republic of) Macedonia, the spending limit per registered voter is around eight dollars, taking into account PPP. Note that most countries do not have spending limits of this kind.

Regulations on campaign finance book-keeping and reporting

If the call for transparency in campaign finance included in UNCAC is to be heeded, electoral contestants must be required to track and report on how they raised and spent resources in relation to their campaign. This information must also be made available to the public.

Book-keeping requirements for election campaigns

The legal provisions regarding book-keeping for election campaigns are brief. Section 70.2 of the Election to Members of the Constituent Assembly Act, 2014 states that political parties and candidates are required to "maintain the records of all expenses incurred in the election during the period of election in such a format as may be prescribed". Similarly, Political Party Act, 2001 Section 11 and 12 also highlights the provision for book-keeping.

It is notable that this provision makes no reference to election campaigns being required to track income received, and this is matched by similar provisions regarding financial reporting.

Financial reporting requirements for election campaigns

Financial reporting in relation to election campaigns can provide important information to voters about how those wishing to represent the people raise and spend their money. Most countries have some sort of reporting requirements for candidates and/or political parties participating in elections (the exact nature of these requirements often depend on the electoral system).

In Nepal, political parties wishing to participate in election campaigns must register with the

13 Calculated using inflation data from <http://data.worldbank.org/indicator/FP.CPI.TOTL.ZG/countries/NP?display=graph>

ECN for this purpose. The documents that a party must submit as part of such a registration include “details of funds of income sources of the political party and resources for bringing about such funds” (the Political Party Registration (Election Purpose) Regulation 2007, Rule 8.c.).¹⁴

Since the registration of a party must happen before the election in question, any statement about how a political party intends to raise its funds, and how much money that the party is aiming to collect, cannot be anything other than an estimate. Requirements of this kind are rare around the world, and the Regulation do not state how these statements are to be reviewed, nor what consequences that a party may face if it should raise money from sources not included in the statement.

Given that reports of this kind cannot include anything other than preliminary estimates, it is not clear what purpose that a reporting requirement of this kind will serve. It is not clear what the justification would be in penalising parties that fail to provide accurate estimates, nor how transparency in political finance would be served by the publication of such reports.

The situation regarding political party reporting in relation to elections is not clear. The wording of Section 30.4 of the Election Commission Act, 2007 indicates that they should do so, and Section 70.4 of the Election to Members of the Constituent Assembly Act, 2014 explicitly states that election expense reports “...shall have to be given to the Commission by the Political Party...”¹⁵ In spite of these provisions, it seems that political parties have not been obliged to submit financial reports in relation to recent elections. Apparently, the introduction of such a reporting requirement was included in the 2013 Code of Conduct, but was not maintained in the final version.¹⁶ The version that I have states that candidate of the First Past the Post has to submit the report to DEO within 35 days after the final election result of that particular constituency and for a political party contesting PR system report has to be submitted to the Commission within thirty five days after the declaration of final election results.

However, candidates are required to submit financial reports to the ECN (via the District Election Office for first past the post candidates) within 35 days of declaration of election results. This deadline is somewhat shorter than the global average (of the 61 countries for which relevant data is available, the average deadline for post-election reports is around 60 days), but it can be noted that it is in line with the recommendations by the Organization for Security and Cooperation in Europe (Office for Democratic Institutions and Human Rights) and the Venice Commission, which recommends that post-election reporting deadlines should be one month after elections.¹⁷

It should be noted however that the financial reports that candidates are required to submit only relate to campaign spending, not to campaign income. This means that no information need be reported about the amounts or sources of campaign income, let alone the identity of those making cash or in-kind donations. This is in direct contrast to the annual financial reports that political parties are required to submit, where it is noted that specific

14 These requirements are derived from Article 142.2.c in the 2007 Interim Constitution.

15 Article 30.1 of the Election Commission Act talks about spending limits for political parties and candidates, and Article 30.4 states that “a person who has the obligation to submit returns of election expenses referred to in sub-section (1) shall submit the returns of election expenses...”

16 European Union Election Observation Mission (2013) *Nepal, Final Report, Constituent Assembly Election 19 November 2013*. Page 7. It is reported that political parties were required to submit such electoral reports in relation to the 2008 elections. European Union Election Observation Mission (2008) *Nepal, Final Report, Constituent Assembly Election 10 April 2008*. September 2008. Page 26.

17 OSCE/ODIHR and Venice Commission (2010) Guidelines on Political Party Regulation, Article 200. Available at <http://www.osce.org/odihr/77812>

information must be provided for anyone who makes donations above a certain amount. Election Commission nullified the registration of eleven political parties which did not report the annual income for three consecutive fiscal years in 2011 and spending report. Similarly eighteen political parties were fined and published which did not file their election spending details (expenditure) of the Constituent Assembly Election, 2013. Moreover, around fifteen hundred candidates were identified who did not file their election expenditure on time.

It can be noted that also Bangladesh, Bhutan, India and Pakistan limit the campaign finance reporting (in this case by parties) to campaign spending, while the Maldives and Thailand require reporting on both income and expenditure. This can be compared to Europe, where reporting by candidates is only limited to campaign spending in Cyprus and Ireland (in all the other 29 countries with reporting requirements for candidates, both income and expenditure must be reported).

4. Enforcement regulations

The experience from around the world is that most regulations of political finance are not enforced – there is no effective oversight as to whether stakeholders abide by donation and spending limits, bans on receiving certain types of donations or engaging in certain forms of spending. The reasons for this lack of enforcement are complex, varying from insufficient capacity of the oversight institution to corrupt legal systems.

Underlying such factors is normally lacking political will to deal with issues relating to money in politics. The rules meant to control the access and use of money by politicians are set by the politicians themselves (unavoidable in a democracy), and staff in state institutions are often unwilling to risk their career by potentially threatening the powers that be.

In Nepal, the oversight mandate lies with the ECN. Unlike in many other countries, there are effectively no other institutions mentioned in Nepalese legislation in relation to political finance issues. The Constitution Assembly Court can hear CA election related cases whereas any other Court prescribed by the Nepal Government in suggestion of Supreme Court can hear cases of other elections.

The election management body is the most common type of institution to be given the mandate to oversee political finance, as is seen in the below table.¹⁸

Table 2: Institution in charge of political finance oversight

Regulation	Globally ¹⁹	Asia
Election Management Body	47%	65%
Ministry	16%	19%
Auditing agency	12%	11%
Special institution	9%	8%
Court	8%	3%
Other	19%	24%
No reporting obligations	12%	4%

¹⁸ Note that the percentages total more than 100% since some countries use more than one institution for these purposes. The data in the table is based on the question „What institution(s) receives financial reports from political parties and/or candidates?“ in the International IDEA political finance database. Note that in some (rare) countries the responsibility for receiving financial reports is given to one institution, while another is in charge of investigating potential violations.

¹⁹ Data is missing for 11 countries in the International IDEA political finance database. These have been excluded from the calculations.

Unfortunately, the provisions for oversight of political party and campaign finance in Nepal are vague. The Political Parties Act, 2001 states that the ECN should “evaluate the annual reports... and publish a comprehensive report thereof” (Section 13). No further information is given regarding the nature of this evaluation, nor if the ECN can seek further information from political parties or other stakeholders in relation to such evaluations. While the act states that a “comprehensive report” of the evaluations carried out by the ECN should be published, it does not explicitly state that the financial reports submitted by the political parties should themselves be published. Without such publication, the call for transparency in the UN Convention Against Corruption can hardly be achieved.

Section 23 of the 2007 Election (Offences and Punishment) Act gives the ECN the right to “investigate and inquire” potential violations related to campaign finance. This includes vote buying and bias of public officials at polling stations in favour of a political party or candidate. However, this mandate does not cover other offences outlined in the Election (Offences and Punishment) Act, such as using campaign materials other than those designated by law, or the use of government vehicles during campaigning. Nor does it give specific powers to the ECN to investigate campaign finance violations not mentioned in this act, most notably the spending limits and reporting requirements outlined in the Election to Members of the Constituent Assembly Act, 2014.

The Election Commission Act, 2007 includes one brief statement that “the returns of election expenses ... may be audited by a recognized auditor on such conditions as specified by the Commission” (Section 30.5). However, it gives no guidance in what situations that the Commission should initiate such an audit, or the timeframe during which such audits must take place. As the campaign finance reports only include information about election expenses, no auditing can be done on whether for example election campaigns have received foreign funding.

In addition, since each candidate has to submit a financial report, the administrative burden on carrying out audits of all reports is daunting. In the 2013 election, there were 6,125 candidates for the first past the post seats alone. It is not clear if the Auditors’ Association of Nepal even has that many members.

The Code of Conduct for the 2013 elections included additional information about the oversight mandate of the ECN, as it “allows the Commission to seek clarifications from any candidate/party accused of indulging in action that can affect the fairness of election”. The right of the ECN to develop Codes of Conducts for elections is established by Section 28 of the Election Commission Act, 2007. However, principles of due procedure and rule of law require that at least the general provisions regarding oversight should be stated directly in legislation. This approach would also protect the ECN against challenges regarding the legality and constitutionality of its actions.

A review is needed regarding the legal mandate given to the ECN to receive, review and publish financial reports from political parties and candidates, to investigate potential violations and generally to oversee compliance with the existing provisions.

5. Sanctioning regulations

Imposing sanctions is not the main goal of political finance oversight and regulation. In general, prevention is better than sanctions and the focus should be on encouraging positive behaviour rather than imposing strict sanctions on actors that are essential for democratic development. However, the international experience has showed that if threat of sanctions

is not present, it is unlikely that political parties, candidates or other stakeholders will abide by rules that may limit their chances of electoral success.

Almost all countries around the world therefore have some sanctions against political finance violations. The most common form of sanctions is fines, followed by withholding public funding (often amounting to pretty much the same thing) and imprisonment (normally limited to especially serious crimes such as vote buying).

Sanctions relating to ongoing political party finance

The (admittedly limited) provisions regarding ongoing political party finance are included in the Political Parties Act, and while the ECN is responsible for overseeing the registration and conduct of political parties, sanctions regarding political party finance are not addressed in the Election Commission Act or the Election (Offences and Punishment) Act.

The sanctioning provisions in the Political Parties Act are however very limited. Article 16 states that any political party that fails to maintain financial records, or to submit annual financial reports, face a fine. However, the maximum value of the fine is noted as 100 NRP. As this only around four US dollars (taking into account PPP). Even if the maximum amount would be 100,000 NRP, this only amounts to less than 4,000 US dollars (at PPP), which would still be very low, as it is expressed as the maximum amount that can be imposed for the serious violation of a political party completely failing to submit a financial report.

In comparison, fines in Bangladesh for political finance violations, including failure to submit financial reports are set at a maximum equal to around 40,000 dollar (at PPP). In Bhutan, political parties that fail to submit annual financial reports lose the right to public funding, which is a very significant sanction as they are not allowed to raise funds privately. In India, parties not submitting financial reports lose their right to receive tax relief. The strictest sanction is available in Pakistan, where political parties failing to submit their annual financial reports will not be allowed to participate in future elections.

Sanctions relating to campaign finance

Various sanctions relating to election campaign finance are included in the Election (Offences and Punishment) Act, 2007. In cases of vote buying, anyone who gives or receives money in return for votes faces a fine of between 10,000 and 50,000 NRP and/or imprisonment not exceeding two years (Section 21.1). Attempts to offend or assist vote buying is punishable by half of these sanctions (Section 21.3). The sanctions against vote buying are in line with those found in most countries (it is common for imprisonment to be included as at least a potential sanction). There is also the possibility that an election may be declared void if it is found that an “election has not been fair due to the commission of acts...” including vote buying (Section 27.1.c).

There are also sanctions related to banned forms of campaign expenses. If a party or candidate should for example print posters, a fine of between 500 and 10,000 NRP can be imposed (Section 19.1). If they should use more vehicles than allowed by the Commission, such vehicles should be seized (Section 19.5). The posters or other campaign material may also be seized (Section 19.6), and the offender may have to pay an additional sum not exceeding 10,000 NRP if (s)he fails to return the area where the poster or similar was placed to its original situation.

There are also provisions in the Election (Offences and Punishment) Act, 2007 sanctioning the use of government vehicles for campaign purposes. In case a government vehicle is found

used for campaign activities, it should be seized and the ECN notified “for departmental action against the officer who has provided such vehicle” (Section 19.5). If a public official at a polling station should act in favour of a particular political party or candidate, the person may be given the same sanction as for vote buying discussed above (Section 21.1).

As discussed in section 4 above in this report, the Election Commission Act, 2007 allows the ECN to issue Code of Conduct on the behaviour of state entities in relation to elections. Should such Code be violated, the Commission can impose a fine not exceeding 100,000 NPR (Section 29.3). Should the Commission judge that an “election cannot be held in a free, fair and impartial manner by the reason that a candidate has frequently violated the code of conduct”, it can cancel the candidacy of the person in question (Section 29.4).

In the case of spending above the established limit, the Commission can impose a fine equal to the spending ceiling. A fine equal either to the spending limit or to the spending incurred by a candidate or a political party (whichever is higher) is also imposed in case they fail to submit a financial report (Section 31.1).

In addition, the result of an election may be declared void in case this spending meant that the elections “has not been fair” (Election (Offences and Punishment) Act, 2007Section 27.1.c). The same sanction can also be imposed in case an elected candidate has “made expenses unusually or illegally or improperly for unlawful purposes”. This latter provision is very vague and it is very difficult to see how it could be applied with maintained respect for rule of law. The voiding of sanctions is such a powerful sanction that the conditions when it may be applied should be made as clear as possible.

Both regarding vote buying and excessive or irregular campaign spending, the election should not be voided if it was done without “information or consent” of the candidate or his agent, or if they made an attempt to prevent the activity (Section 27.3.a). This provision is also difficult to interpret, as is the statement that an election should not be voided if “the result of election has not been actually affected” by the activity carried out (Section 27.3.b).

According to Election Commission Act, 2007 Section 31.2, if a candidate has “made expenses in an unsuitable manner or in such a manner to prejudice the fairness of the election or in an undue or illegal manner for illegal purposes” The Commission may also decide to “disqualify such person for being a candidate in any election for a maximum period of six years with immediate effect”, and cancel the election of the candidates if (s)he had won the election.²⁰

While Nepalese law includes a range of sanctions relating to political finance, there are some gaps, for example the receipt of foreign funding by electoral candidates, while other provisions are vague. It seems that the current laws in Nepal do not quite live up to the development of “effective, proportional and dissuasive” sanctions against political finance violations as recommended by the Council of Europe.²¹ Such a review should also consider the right to appeal, and whether the right to impose stricter sanctions should be placed by a court of law, to better protect the rule of law and to ensure that the ECN has the time to carry out its core duties of organising elections.

20 A decision of this kind can be appealed to the Supreme Court within 35 days (Article 31.5).

21 See the Council of Europe, Recommendation Rec(2003)4 of the Committee of Ministers to member states on common rules against corruption in the funding of political parties and electoral campaigns, Article 16. This document is of course not legally binding on Nepal.

Conclusions and Recommendations

International experiences have showed that the actual role of money in politics and the oversight and transparency regarding these issues depend less on formal regulations than on actual practices.

Recommendation for reform must therefore be based on an in-depth understanding of actual practices, and be developed in a dialogue between Nepalese stakeholders focusing on the goals that such regulations should aim to achieve. The dialogue between Nepalese stakeholders should also consider the relationship between political finance and gender, and how political finance regulations and other initiatives may be used to improve the participation of women in politics.

The regulations regarding political finance in Nepal cover most areas of how political parties and candidates raise and spend money. A fairly hands-off approach has been taken with few bans and the only quantitative limits being on the amounts that can be spent in election campaigns.

Nepal is still undergoing a political transition, and many aspects of the political and electoral processes are still to be determined. In the discussions around this transition, it is important that issues around political finance are kept in mind, so that the potentially negative aspects of money in politics can be counteracted, while leaving political parties and candidates with sufficient resources to carry out democratic and active election campaigns.

Two principles that must be guiding this process are transparency in political party and campaign finance, and having regulations that are matched with a sufficient and suitable oversight mandate for the ECN, which must also be given enough capacity and resources to oversee compliance with the regulations.

Recommendations relating to political party and campaign finance

1. Political parties should be able to receive public funding based on clearly defines criteria. ECN therefore recommends a separate political party finance regulation.
2. Political parties should be accountable in submitting financial reports on an annual basis as well as after elections.
3. Financial reports submitted in relation to election campaigns must give information about income received, including the identity of individuals and legal entities making donations with a total value above a certain threshold (in line with the annual financial reporting requirements for political parties)
4. Detailed restrictions on campaign materials effectively should be examined in order to reduce the role of money in politics (or other values that these restrictions are aimed at achieving), and should be weighed against the limitations that these provisions place on the freedom of expression as guaranteed in Article 12 of the Interim Constitution, 2007.

Recommendations relating to abuse of state resources and vote buying

5. Consider removing the prohibition on voters receiving gifts or monies to increase the possibility of vote buying being reported effectively, and so more effectively counter-acting such practices
6. Consider banning the giving of gifts by political parties, candidates and related entities during the pre-electoral period, regardless of whether intent to influence voting

behaviour can be proven

7. While mandating the Election Commission to create Codes of Conduct relating to abuse of state resources gives a useful flexibility, the main provisions against such abuses should be stated directly in the law
8. Review existing regulation outside the electoral sphere to ensure that state resources are banned from being given to or used in the election campaign of a particular political party or candidate

Recommendations relating to oversight and sanctions

9. Clarify the role of the Election Commission in overseeing political party and campaign finance, including its rights to request additional information from stakeholders
10. Specify a timeframe when received financial reports must be made available to the public
11. Clarify sanctioning provisions, especially as they relate to the voiding of election results in case vote buying or excessive spending meant that the election was not “fair”. Ensure that a small sanction can be imposed on political parties and candidates that fail to submit their financial reports on time.

Recommendations relating to capacity building of stakeholders

12. Provide support to Nepalese stakeholders in holding a dialogue about reforming the legal framework regarding political party and campaign finance, providing information about international experiences, options available and the likely impact of different regulatory options.
13. Strengthen the capacity of the Election Commission to engage with political finance issues. This can include both overall trainings and practical assistance such as that outlined in the following recommendations.
14. The Election Commission should update internal procedures for the receipt and review of financial reports, the investigation of potential violations and the setting of spending limits.
15. The Election Commission should develop materials, guidelines and other materials to help building the capacity of political parties and candidates to comply with existing regulations.
16. The Election Commission should develop outreach materials aiming at the Nepalese electorate, raising awareness on key issues such as vote buying and abuse of state resources and the regulations that exist.
17. The Election Commission should develop a procedure for the speedy and accurate publication of financial reports received from political parties and candidates, in a user-friendly format.
18. The Election Commission should provide assistance to the political parties in complying with the political finance requirements, for example with trainings ahead of election campaigns and annual financial report deadlines.
19. The ECN should assist civil society groups in monitoring the financial activities of political parties and candidates.
20. The ECN should carry out a more in-depth analysis of political finance in Nepal.

Annex 3 : Campaign Finance (Thematic Paper by Afghanistan)

CAMPAIGN FINANCING IN AFGHANISTAN

Legal Framework

- Regulating campaign finance is a relatively new concept in Afghanistan as it was only introduced in 2004.
- The current legal framework for campaign financing is provided by:
 - » Election Law (2013)
 - » Independent Election Commission (IEC) Regulation on Managing Campaign Finance during 2014 Presidential and Provincial Council Elections (2013)

Campaign Contributions

- Any Afghan citizens and political parties can make campaign contributions but NOT government officials or offices.
- Contribution amount limit:
 - » For presidential candidates:
 - 50,000 AFN (about \$870) by individuals
 - 500,000 AFN (about \$8,740) by institutions/entities
 - » For provincial council candidates:
 - 20,000 AFN (about \$350) by individuals
 - 50,000 AFN (about \$870) by institutions/entities
- Financial loan is considered as a campaign contribution.

Campaign Expenditure Ceiling

- Campaign spending is limited by:
 - » Presidential elections: 10 million AFN (about \$175,000)
 - » Parliamentary elections: 1 million AFN (about \$17,500)
 - » Provincial Council elections: 500,000 AFN (about \$8,740)
 - » District Council elections: 100,000 AFN (about \$1,750)
 - » Village Council elections: 10,000 AFN (about \$175)
 - » Mayoral elections: 1 million AFN (about \$17,500)
 - » Municipal Council elections: 100,000 AFN (about \$1,750)

Use of State Resources

- State resources: Use of state assets, facilities and resources in favor of or against specific candidates is prohibited unless equal resources and facilities are provided to all candidates.
* Provision of security by state security organizations is not considered as a campaign contribution.
- Foreign intervention: Technical or financial assistance from foreign citizens or states or diplomatic missions based in Afghanistan is NOT allowed.

Registration and Disclosure of Assets

- Registration of candidate assets: All candidates are required to register their movable and immovable properties inside and outside the country with the value of more than 100,000 AFN (about \$1,750).
 - * Home appliances and necessities used in daily life such as jewellery, carpets, ornaments, paintings, etc. are not included in the properties for registration.
- Disclosure of registered assets: Candidates' registered properties remain confidential with the Commission but may be disclosed to the Independent Electoral Complaints Commission (IECC) upon request.

Financial Reporting

- All candidates are required to submit financial reports on campaign contributions and expenses to the Commission.
- Financial reports are published by the IEC.
- Offences: If a candidate fails to comply with the IEC Regulation or Election law, the IEC would refer him/her to the Independent Electoral Complaints Commission (IECC).

Challenges

- The current campaign spending limit is too low and perhaps unrealistic to be met by candidates.
- Financial reporting requirements are not always met by candidates.
 - » They are often delayed and there is a tendency to omit big gatherings funded by supporters, sources of funding, bank account statements, etc.
- Penalty for non-compliance is too weak which gives room for candidates not to fully comply with financial reporting.
- It is challenging to fully monitor and enforce the financial campaign regulation due to limited resources.

Recommendations

- Campaign spending limit in the election law should be reviewed (could be removed or increased to a realistic amount).
- Election law and IEC regulation should clearly define campaign finance to include campaign spending funded by supporters. Financial reporting forms should also have more stringent requirements to include information on public gatherings funded by supporters.
- Campaign finance oversight should be improved by enhanced cooperation with

other government entities, banks and civil society to fully monitor and enforce the regulation.

- IEC should impose penalties for non-compliance.

Open Questions for Discussion

- **Campaign spending limit:** Is it best to have a limit on campaign spending or no limit at all?
- **Disclosure of assets:** Should the candidates' assets be disclosed to the public?
- **State resources:** Should the state resources be made available to all candidates as long as they get equal treatment?

Annex 4 : Campaign Finance (Thematic Paper by Bangladesh)

CAMPAIGN FINANCING IN PARLIAMENT ELECTIONS OF BANGLADESH

Campaign Financing is regulated by provisions of Chapter IIIA of the Representation of the People Order (RPO), 1972. It means any expenditure incurred or payment made, whether by way of gift, loan, advance, deposit or otherwise, for the arrangement, conduct or benefit of, or in connection with, or incidental to, the election of a candidate, including the expenditure on account of issuing circulars or publications or otherwise presenting to the electors the candidate or his views, aims or objects, but does not include the deposit which is given at the time of submission of nomination paper for candidature of membership of Parliament. In Bangladesh a candidate has to open a separate bank account with a scheduled bank for the purpose of making payments in connection with the election expense, other than personal expenditure.

Declaration of Personal information

Every nomination paper shall be delivered along with an affidavit signed by the candidate which shall include the following information and particulars, namely-

- an attested copy of the certificate of his highest educational qualification ;
- whether at present he is accused of any criminal offence or not ;
- whether he has any past criminal record, and, if any, the judgment of the case ;
- description of his profession or business ;
- probable sources of his income ;
- a statement of property or debt of his own or his dependents,
- what promises he made before an election in which he was elected as a member in the past, and how many of those promises were fulfilled; and
- the amount of loan received by him alone, or jointly or by his dependents from any bank or financial institution, and the amount of loan received by him from any bank or financial institution as a Chairman, Managing Director or Director thereof.

Source of Campaign Money

At the time of submission of the nomination paper, every contesting candidate shall submit to the Returning Officer (RO) a statement in the prescribed form of the probable sources of fund to meet his/her election expenses showing:-

- his/her own income and the source of such income;
- borrowed money or money received as voluntary contributions from his relations or from any other person and the sources of their income [“relations” means spouse, parents, sons, daughters, brothers and sisters];
- money received as voluntary contribution from any political party, organization or association,
- candidate has to submit a statement of his/her assets and liabilities and his/her income and expenditure and if he is an income tax assessee, a copy of the income tax return last submitted by him.

If the candidate receives any money from any source other than any of the sources mentioned in this statement he/she shall submit a supplementary statement to the Returning Officer showing the sum so received and the source from which it is received.

Limit of election expenses

In the election for the National Parliament, a candidate is entitled to spend taka eight per voter subject to a maximum of taka 25 lac ie. Tk 2.5 million per constituency.

The amount of the money mentioned above or any portion thereof shall not be utilized for-

- printing of a poster other than in black and white;
- printing of a poster of a size bigger than 60cm x 45cm;
- setting up a pandal covering an area of more than four hundred square feet;
- making any banner of (by using any cloth other than in black and white), more than 3m x1m in size;
- employing or using more than three microphones or loudspeakers at a time in a constituency;
- commencing election publicity in any manner at any time more than three weeks prior to the date fixed for the poll;
- setting up more than one election camp or office in any union or in any ward of a municipality or city, or more than one central election camp or office in any constituency;
- entertainment of electors in any manner;
- using any vehicle or vessel such as, truck, bus, car, taxi, motor cycle and speed-boat, for taking out any procession;
- hiring or using any vehicle or vessel of any kind for conveying electors to or from any polling station;
- illumination by use of electricity in any form;
- using symbol or portrait of a candidate with more than one color and more than 60 cm x 45cm in size;
- display of a symbol exceeding more than 3m;
- writing in ink or paint or in any manner whatsoever as means of advertisement for propagating election campaign;
- to operate camps on the polling day.

Responsibilities of Election Agent

An election agent can be appointed by the candidate to help him or her in discharging day to day activities. But no person other than the election agent of a contesting candidate shall incur any election expenses of such candidate. If no election agent is appointed, the candidate himself/herself will be treated as his or her election agent.

Return of Election Expenses

Every election agent of a contesting candidate shall, within thirty days after the publication

of the name of the returned candidate under Article 19, or Article 39 of RPO, submit to the Returning Officer a return of election expenses in the prescribed form containing-

- a statement of all payments made by him each day together with all the bills and receipts;
- a statement certified by the scheduled bank showing the amount deposited in and withdrawn from the account opened for election expenses;
- a statement of the amount of personal expenditure, if any, incurred by the contesting candidate;
- a statement of all disputed claims of which the election agent is aware;
- a statement of all unpaid claims, if any, of which the election agent is aware;
- a statement of all sums received from any sources, together with evidence of such receipts, for the purpose of election expenses, specifying the name of every such source;

The return submitted shall be accompanied by an affidavit sworn severally by the contesting candidate and his election agent or, where a contesting candidate is his own election agent, only by such candidate.

A copy of return submitted together with a copy of the affidavit shall be sent by the election agent to the Election Commission Bangladesh by registered post at the time of their submission to the Returning Officer.

Regulation of Party funds

Every political party setting up any candidate for election shall maintain proper account of all its income and expenditure for the period from the date of publication of notification till the completion of elections in all the constituencies in which it has set up candidates and such account shall show clearly the amount received by it as donation above taka five thousand from any candidate or any person seeking nomination or from any other person or source giving their names and addresses and the amount received from each of them and the mode of receipt. The fund shall be deposited and maintained in any scheduled bank.

No such political party shall expend during the aforesaid period for election purposes, including election expenses for the contesting candidates set up by it, an amount exceeding-

- where the number of such candidates is more than two hundred, taka four crore and fifty lakh;
- where the number of such candidates is more than one hundred but not more than two hundred, taka three crore;
- where the number of such candidates is, more than fifty but not more than one hundred, taka one crore and fifty lakh;
- where the number of such candidates is not more than fifty, taka seventy five lakh;

Provided that the amount mentioned above shall be subject to maximum taka one lakh and fifty thousand per candidate.

Provided further that the expenditure incurred by the party chief for traveling to various constituencies for the purposes of election campaign shall be excluded.

No such political party shall receive any donation amounting to more than taka twenty

thousand unless it is made by cheque.

Registered political party entitled to receive donation or grants from any person (not exceeding taka ten lac or property or service equivalent to it), company, group of companies or non-government organization (not exceeding taka fifty lac or property or service equivalent to it).

No registered political party shall receive any gift, donation, grant or money from any other country, or non-government organization assisted by foreign aid or from any person who is not a Bangladeshi by birth or any organization established or maintained by such person.

If any political party contravenes any provision of this Article, it shall be punishable with fine which may extend to taka ten lakh.

Every political party nominating any candidate for election shall submit to the Commission, for its scrutiny, within ninety days of the completion of election in all constituencies, an expenditure statement giving details of the expenses incurred or authorized by it in connection with the election of its candidates for the period from the date of publication of the notification till the completion of elections in all the constituencies in which it has set up candidates.

If any registered political party fails to submit its expenditure statement within the time specified above the Commission shall issue a notice of warning directing it to submit the statement within thirty days and if the concerned registered political party fails to submit it within that period of time, the Commission may, subject to payment of a fine of taka ten thousand, extend the time for another fifteen days, and if such registered political party fails to submit its statement within that extended time, the Commission may cancel its registration.

In the 10th parliamentary election held on 5 January 2014, out of 40 (forty) registered political parties 12 (twelve) participated in the election, 11 (eleven) submitted expenditure statement accordingly and one failed to submit timely and was penalized for late submission.

Annex 5 : Campaign Finance (Thematic Paper by India)

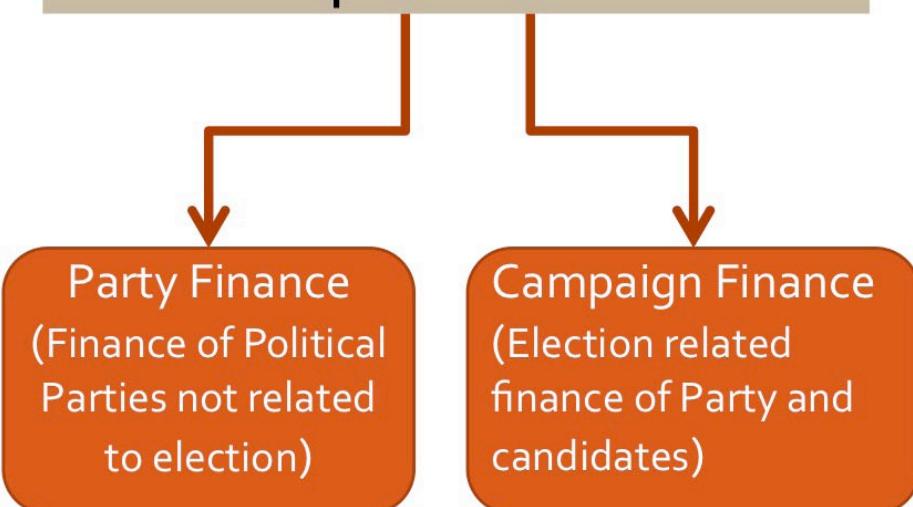


Political Finance : Indian experience

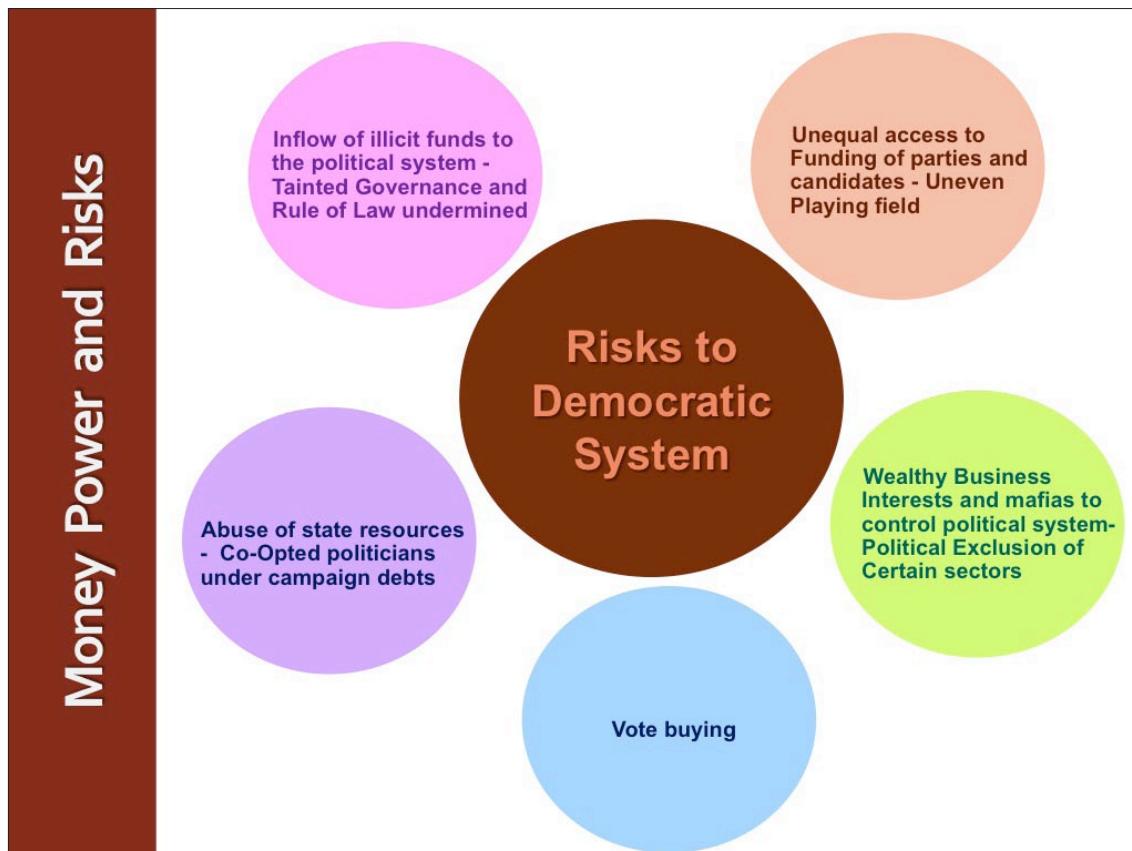
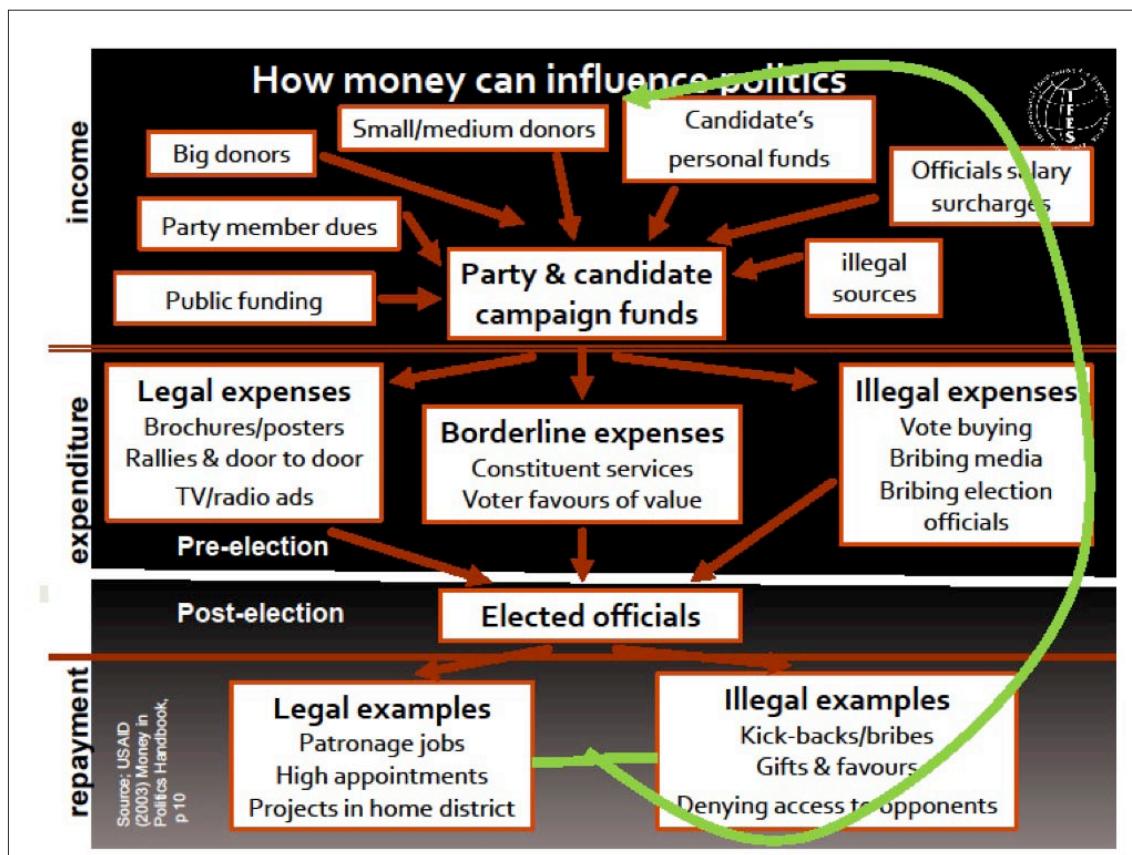
Dr. Nasim Zaidi
Election Commission of India

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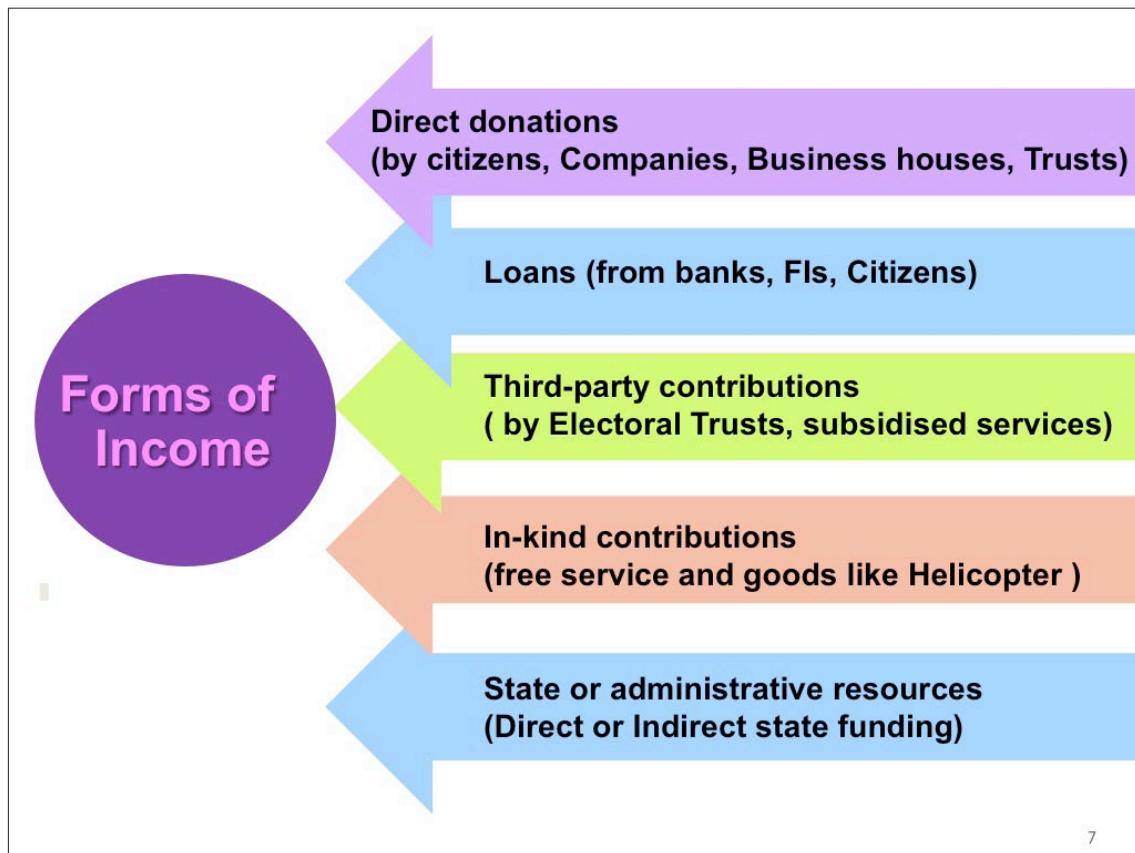
What is political finance?



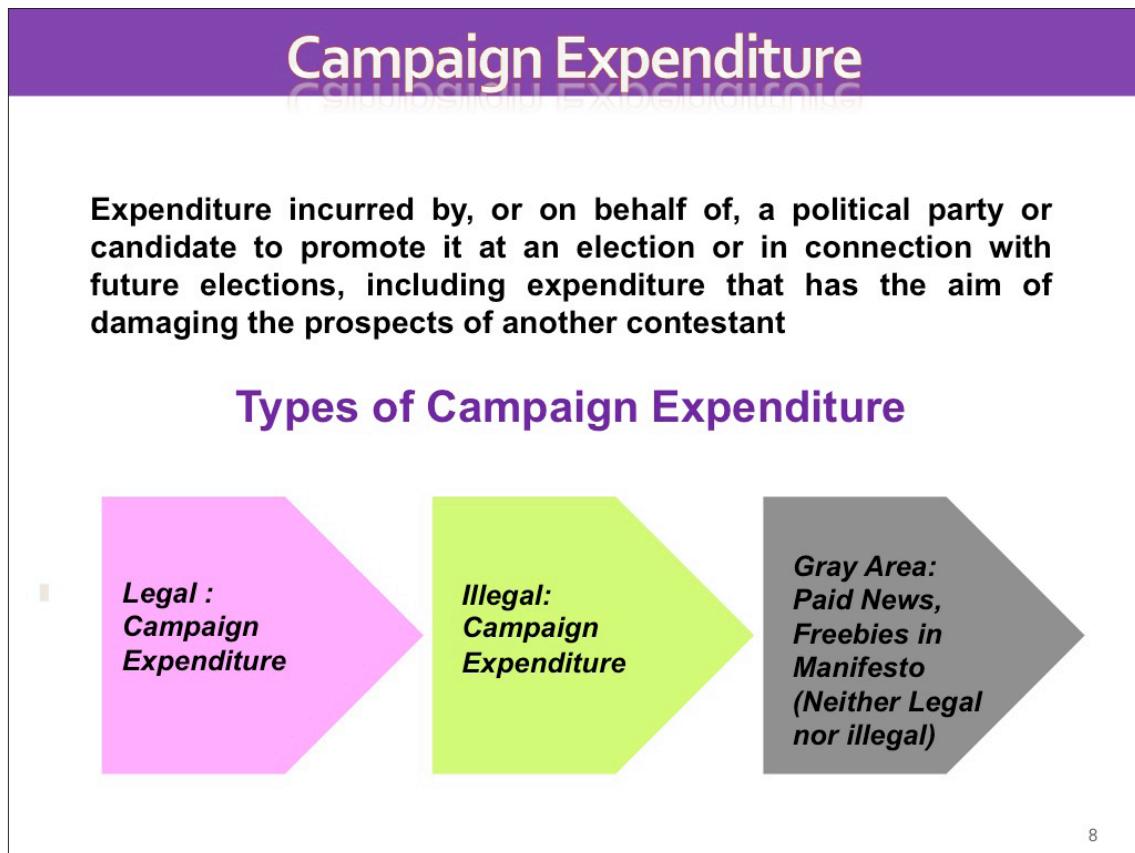
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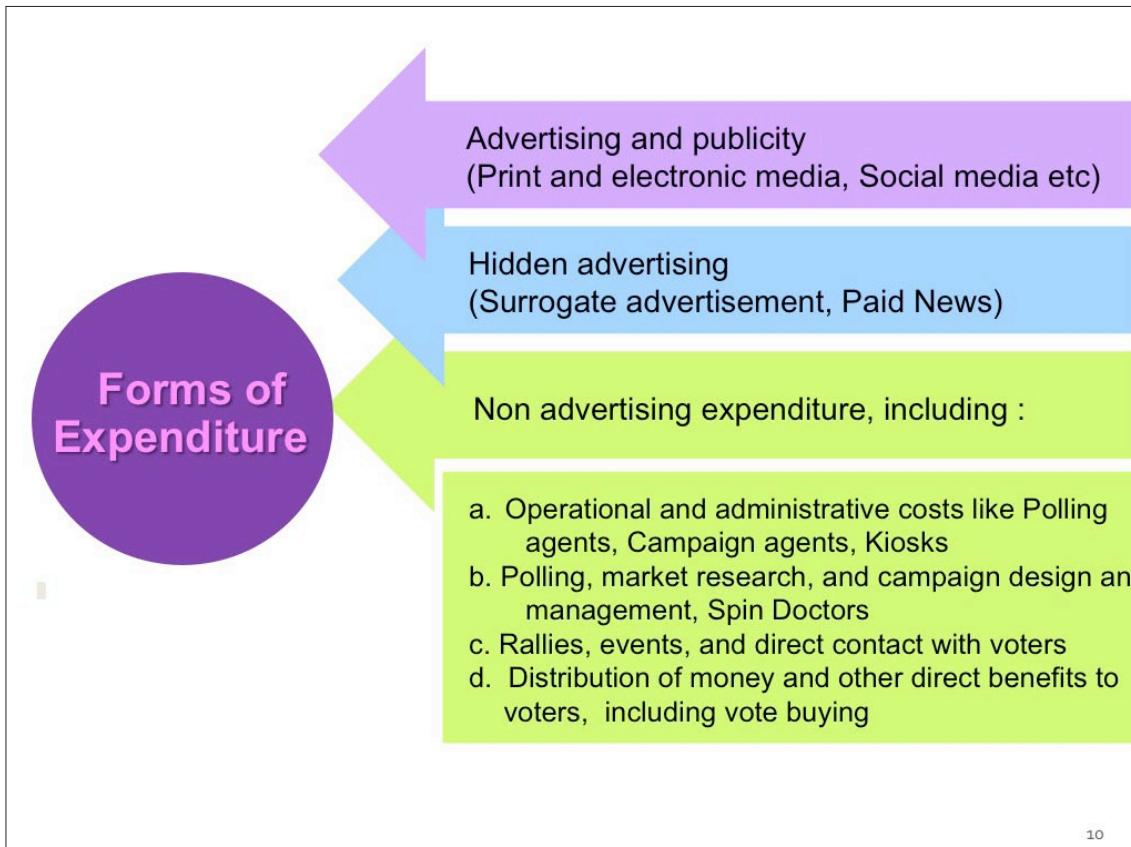




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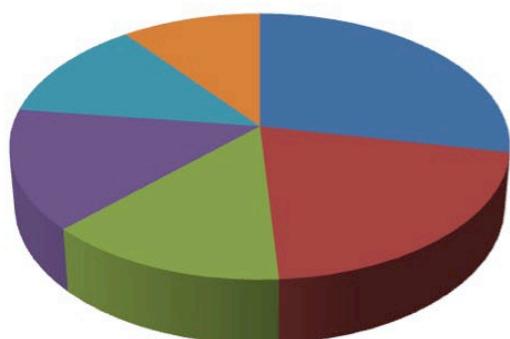


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Distributions of expenditure

Data from 10 countries in Europe and Latin America

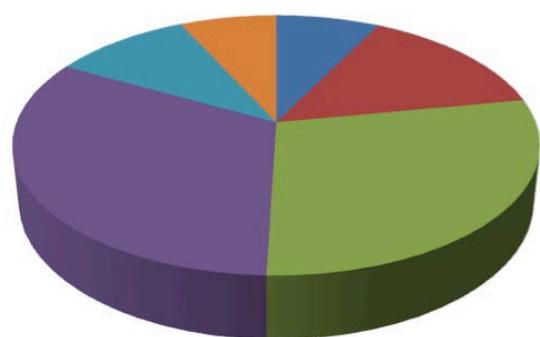


- Mass media (TV and radio) 27%
- Campaign materials (posters etc) 20%
- Rallies and meetings 13%
- Travel and logistics 14%
- Money and direct benefits 12 % (including 2.3 % on vote buying)
- Personnel 10%

11

Distributions of expenditure

Data of Candidates from Parliament Elections 2014



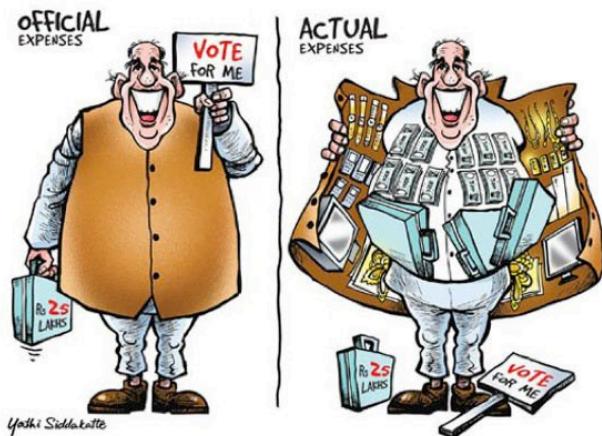
- Mass media (TV and radio) 7.5%
- Campaign materials (posters etc) 14.5%
- Rallies and meetings 28.3%
- Travel and logistics 32.3%
- Personnel 10%
- Other expenditure 7%

1. *Data on Vote buying and Paid News not available*
2. *Data on Expenditure of Political Parties not available*

12

NOTHING OFFICIAL ABOUT IT...

Ceiling Limit
for a
candidate



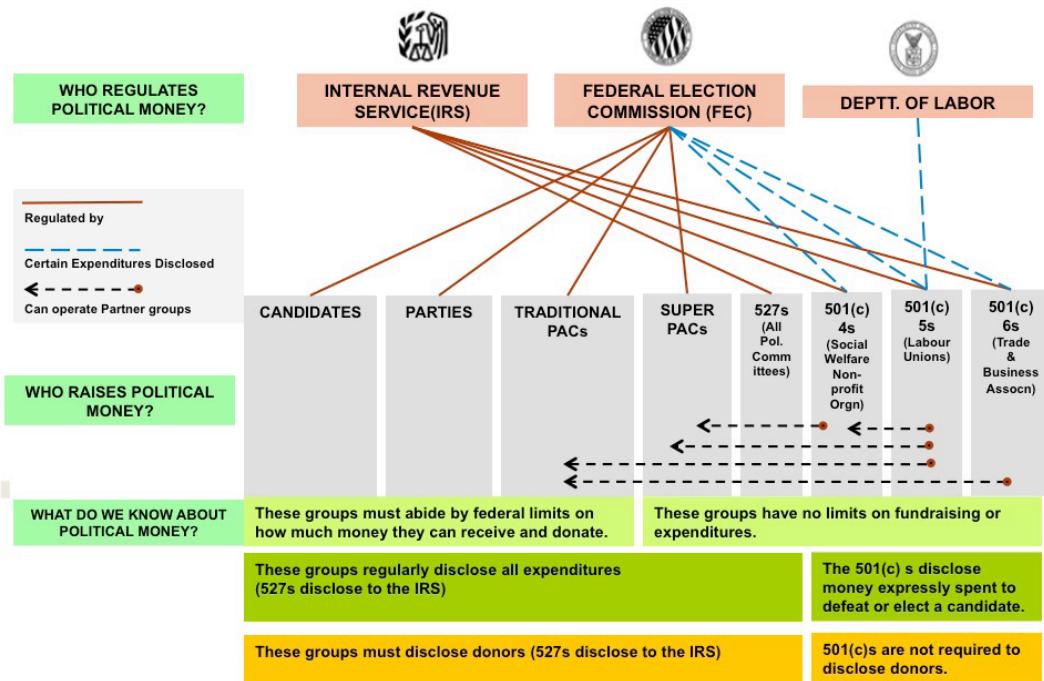
14

POLITICAL PARTY & CANDIDATE FUNDING

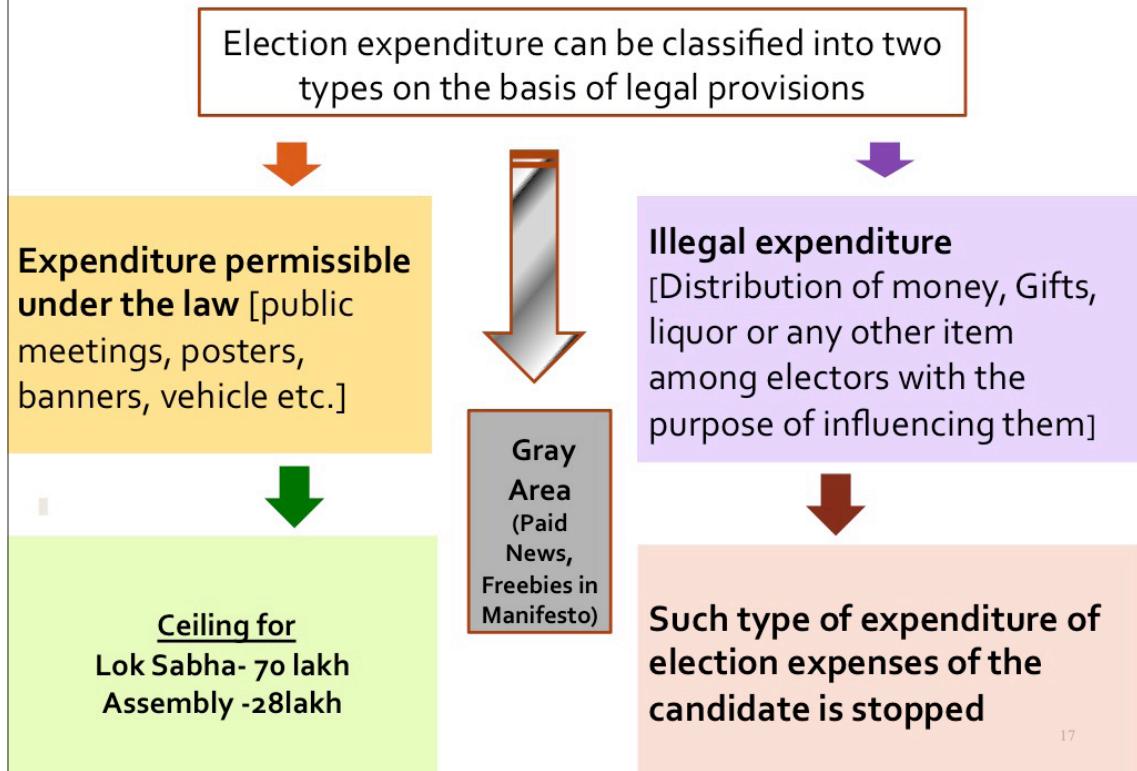
Beware !

Abuse of Money in Politics and corruption tend to go hand in hand, whether it is in a developing or developed democracy.

The Tangled Web of Campaign Finance, USA



INDIAN EXPERIENCE: TYPES OF ELECTION EXPENDITURE



17

Ceiling Limit



So, they don't cross it jump over it

INDIAN EXPERIENCE



- Individuals,
- Corporates (limit : 7% of average profit),
- Other entities
- Electoral Trusts



- From Foreign sources and Govt. Agencies

INDIAN EXPERIENCE



- Contribution reports in excess of Rs 20,000 from a single person or entity, filed with Commission (Statutory)
- Audited accounts to be filed with Income Tax Deptt (Statutory)
- Election Expenditure statements filed with Commission within 90 days of declaration of result (Court direction)
- Transparency guidelines for the parties by the Commission

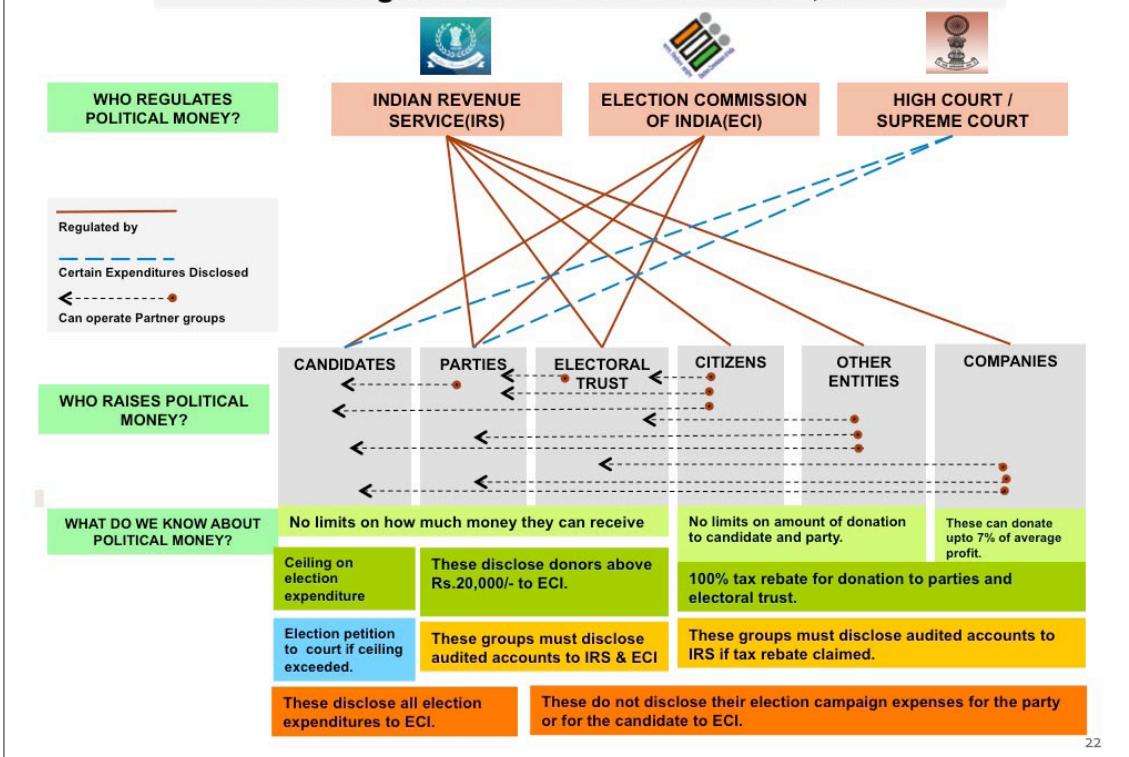
INDIAN EXPERIENCE



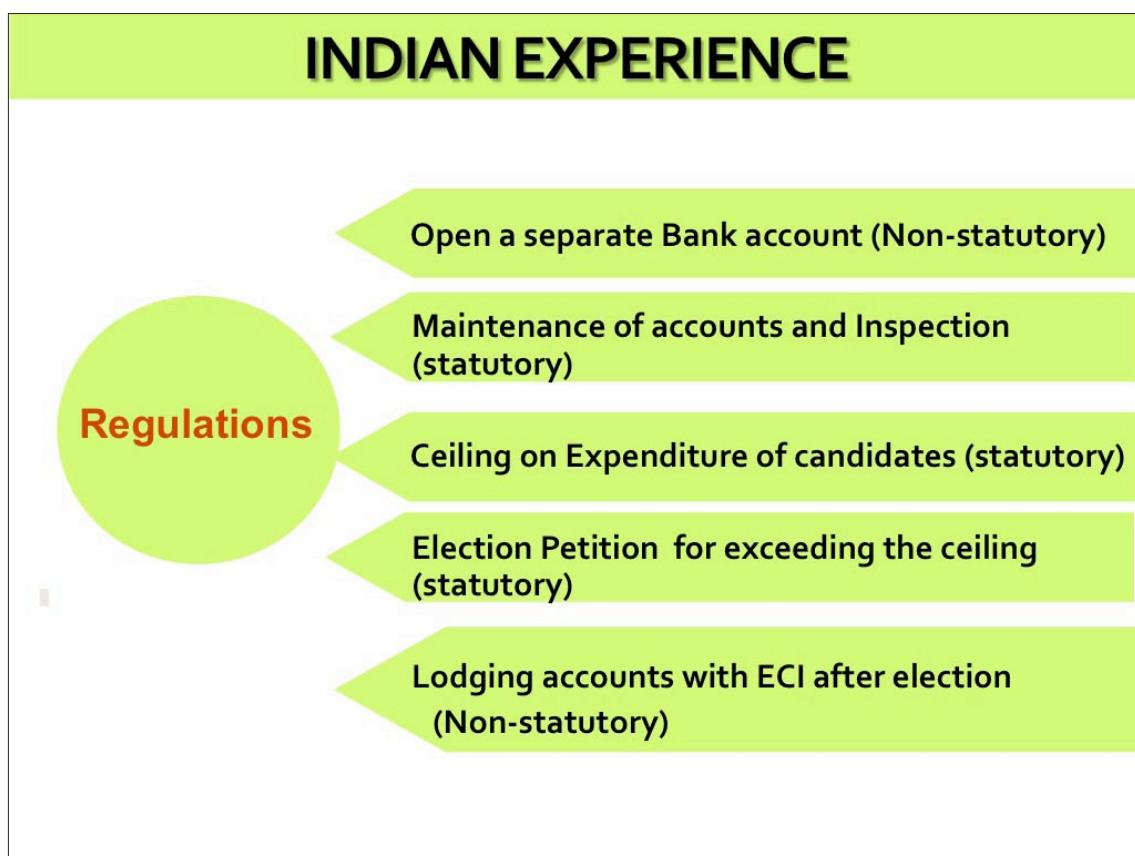
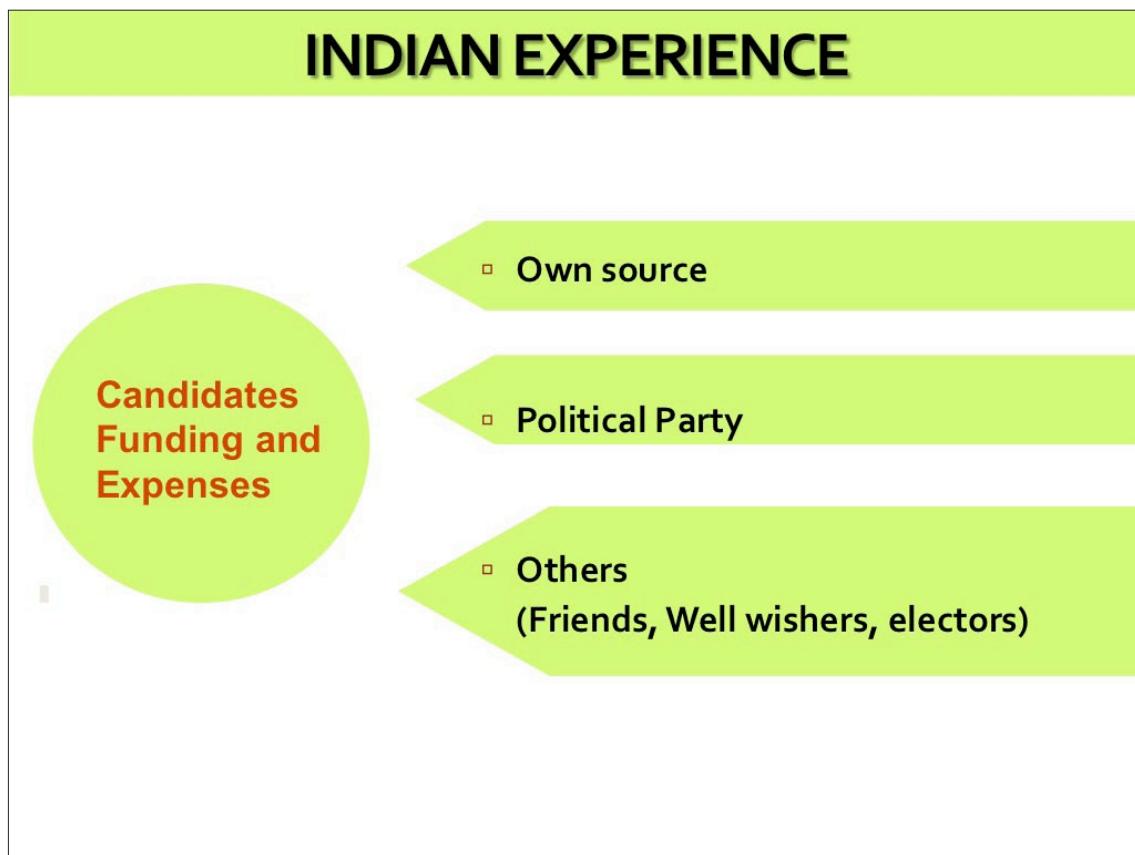
- Name and address of all donors to be maintained
- Cash payment exceeding Rs. 20,000/- prohibited
- Cash payment to candidates prohibited
- Cash donations to be deposited in bank account within 10 days and Restriction on huge amount of cash in hand
- Copy of audited account to be sent to Commission

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The Tangled Web of Political Finance, India



22



INDIAN EXPERIENCE

Regulations

Disqualification by ECI for not lodging in time or for lodging incorrect accounts (statutory)

SC and ECI restrictions on transport of cash during election (Non-statutory)

Model Code of Conduct , limiting number of campaign vehicles and campaign days

Party to indicate resources for freebies

Symbols order of the Commission for recognized Parties

INDIAN EXPERIENCE

Laws on Corrupt practices and unlawful acts

Inducement of voter or any candidate

Unauthorised exp. for the candidate

Publication in Print media without authorisation

Defacement of public property

Pre-certification of advertisement in electronic media

Paid News expenditure added to candidate

INDIAN EXPERIENCE

Plenary power of
Commission under
Constitution (Art. 324)

If the areas are not covered under any law, ECI can issue instructions to the candidate and party, which are binding

ECI can derecognize a party, if party its lawful instructions are violated.

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ECI measures

Campaign for ethical
Voting through Media

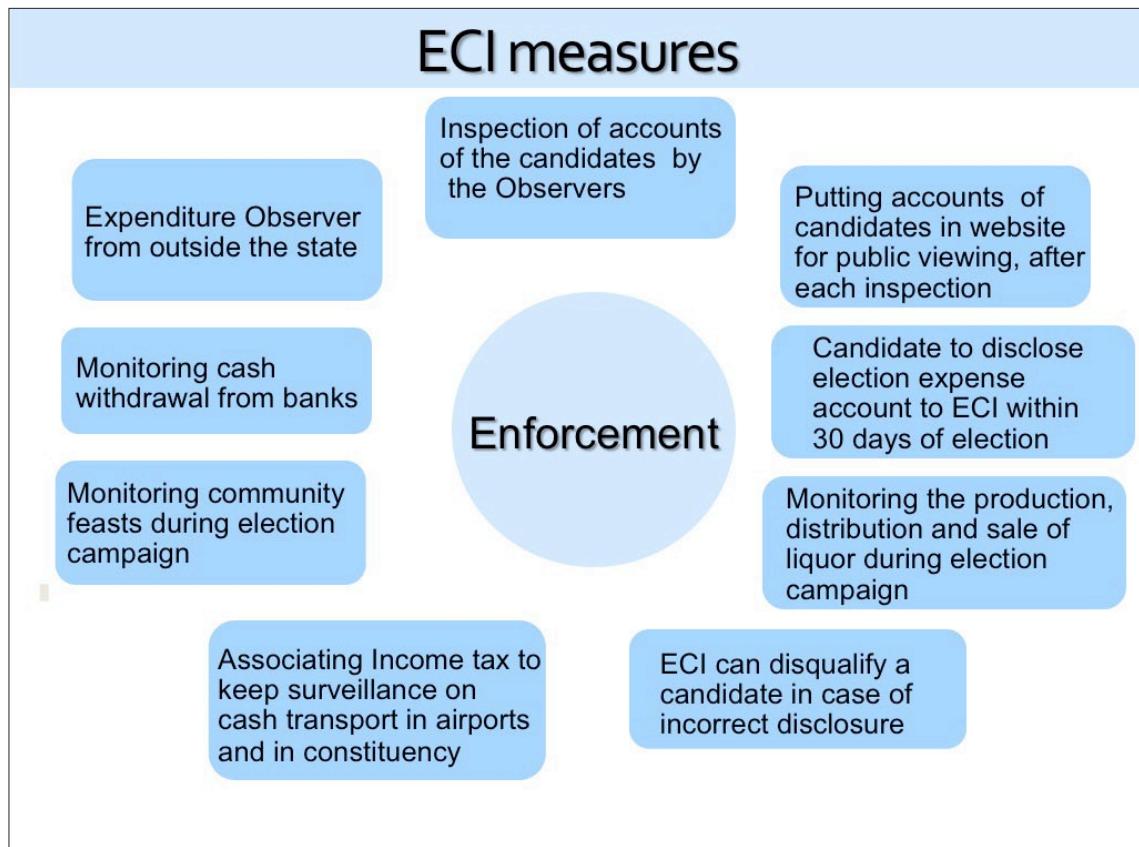
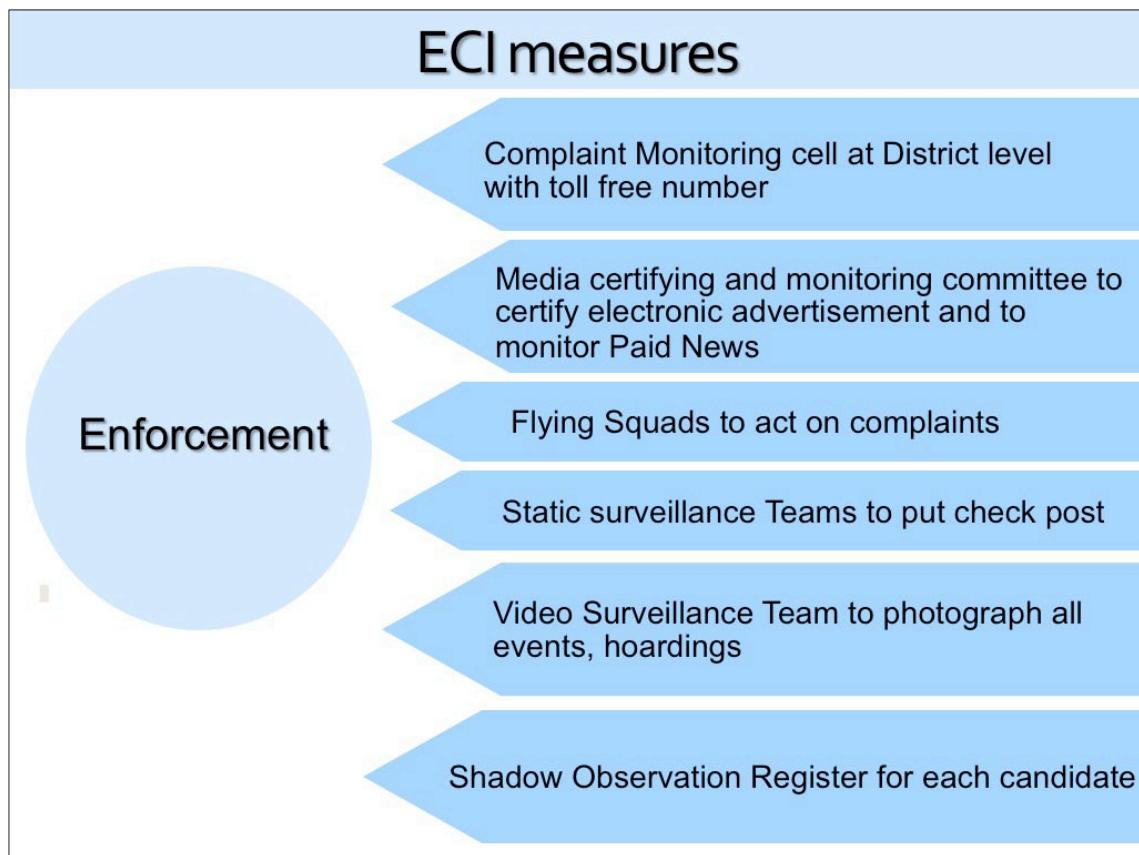
Signing pledge for
ethical voting

Preventive
Measures

Village/ Ward level
Awareness Group

Involving schools/
colleges/ CSOs

[\(Click to view video footage\)](#)



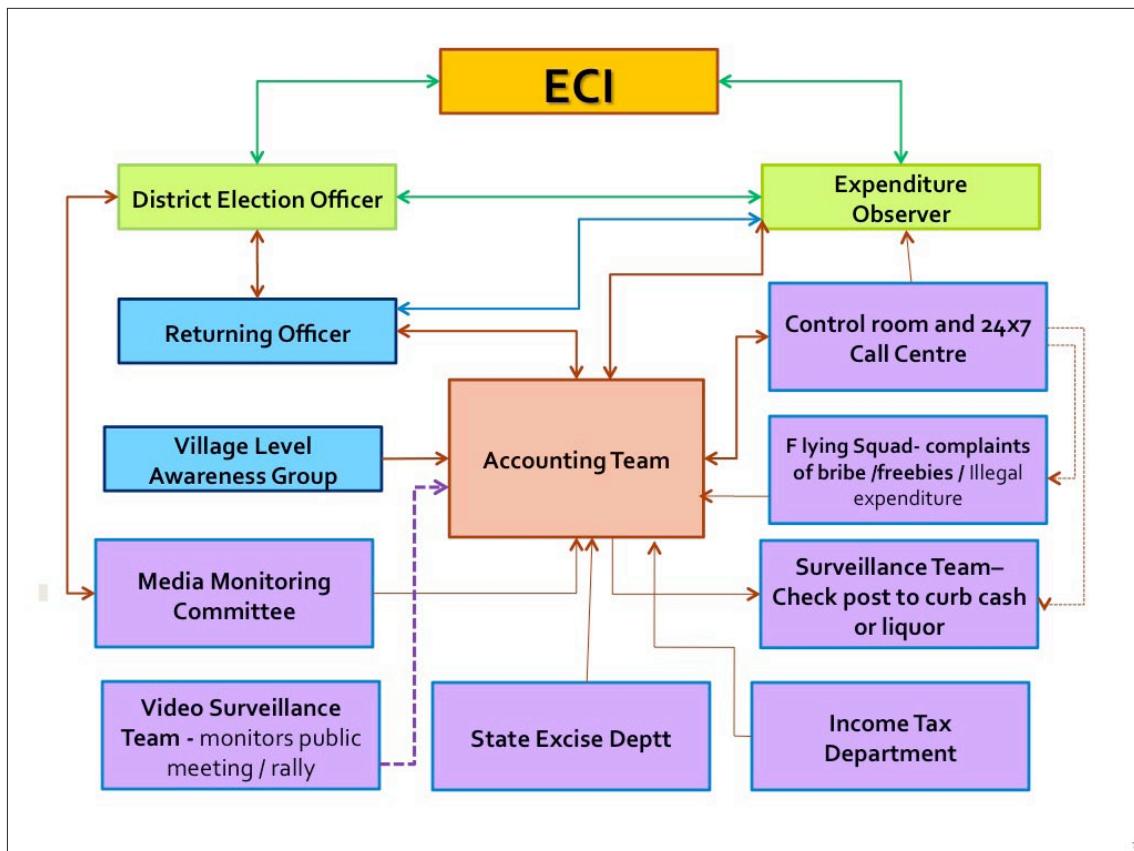
Result of ECI Enforcement



Cash seizure Rs.3038 million

Liquor seizure Rs.65.94 lakh litres
(worth Rs.918 million)

Drugs seized Rs. 48,004 kg
(worth Rs.8045 million)



Challenges

- No laws for regulating Political Parties**
- No ceiling on Party campaign expenditure and disclosure of Party expenditure**
- Anonymous donations received by political parties**
- No laws regulating media and social media during election**
- Cash economy and no laws relating to cash transactions**
- No pre-candidature accounting of expenditure by candidate**
- Low level of awareness of voters and acceptance of bribe**

33

Conclusion

- Transparency in political finance**
- Legislation required on various corrupt practices of political parties**
- Awareness Campaign for the voters on ethical voting**
- Political finance and corruption go hand in hand**

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Thanks

Annex 6 : Campaign Finance (Thematic Paper by Maldives)

CAMPAIGN FINANCE IN MALDIVES

By Elections Commission of Maldives

Introduction

Money is a necessary part of the democratic and electoral development. Political parties and candidates need means to reach out to the electorate, describe the procedures they wish to pursue, and engage the electorate in a dialogue about their needs and objectives. This is true even more so in a country like the Maldives, where significant logistical challenges make such a dialogue difficult and costly.

Political Party Income

The Political Parties Act 2013 Section 33.a, includes a list of allowed sources of income for Maldivian political parties.

The list outlines the following sources:

- Members fees and private donations (members, non-members)
- Public funding in the form of financial assistance from the government
(Each year funds between 0.1% 0.2% of state budget is been allocated to Political parties)
- Commercial activities
- Fundraising activities
- Loans

The donations from Maldivian individuals are allowed (only Maldivian citizens above the age of 18 are allowed to be members of political parties).

Parties are also allowed to engage in commercial activities without limitations, and in "fundraising" activities; these concepts are not defined in the law. There are also no restrictions on the receipt of loans.

The Political Parties Act states that resources provided by state institutions must be given equally to all parties. This means that state institutions are not allowed to specifically support a particular political party to the detriment of others.

The only other qualitative limitation on donations to political parties is on anonymous donations, since parties are required to maintain a record of all donations including the name and address of the donor. However, even this ban is not absolute, since parties can seek permission from the EC to receive anonymous donations, where there is no guidance. The same applies to donations from foreign sources.

The law also includes conditions that parties must fulfill to receive funding.

These are:

- Submitting the annual financial report for the preceding year
- Submitting the audit reporting for the preceding year
- Giving evidence in its annual report that the party has "attempted to achieve its objectives"

Political Finance disclosure

In making the democratic process healthier it is important to enhance the transparency of political party finance during and outside of electoral periods.

The law includes that each political party has to appoint a person responsible for its financial transactions. Comparatively detailed necessities about bookkeeping for political parties are stated in the law as below.

- Maintain records as maintained for state assets and monies
- Open and deposit money to an account in its name in a bank operated in the Maldives, and maintain records of all transactions
- Prepare and maintain an inventory of all party assets
- Maintain records of all donations and monies acquired by the party
- Maintain records of all expenses incurred by the political party
- Audit all financial records at least once a year by an external auditor accredited by the Auditor General
- Record and maintain details of donors (according to Section 33.a, this should include the name and the address of the donor)

Financial reporting requirements for political parties is not included in detail in the Act, like to format of submission and the detail of the submission is been left out from the Act.

Political parties are also required to submit an audit report to the EC and the Auditor General no later than 90 days after the end of the fiscal year. This audit report is normally very short – simply outlining the work that the auditor has carried out and the findings of the auditor. These reports normally includes no information about the actual finances of the audited entity, only whether the accounting was accurate.

The principle of transparency is established in the Political Parties Act through the statement that “All members have the right to know information relating to income and expenses of the party.” On the other hand, it can be argued that this Section establishes that transparency of party accounts should or may be limited to party members, and that it is the responsibility of the individual parties to determine how to make this information available to its members.

The law also includes conditions that parties must fulfill to receive funding.

These are:

- Submitting the annual financial report for the preceding year
- Submitting the audit reporting for the preceding year
- Giving evidence in its annual report that the party has “attempted to achieve its objectives”

Local Council candidates are exempted from any financial reporting requirements (which raise the question why they are legally required to track their income). Parliamentary candidates are, however, required to submit financial reports within 30 days of the election, while this has been extended to 60 days for presidential candidates

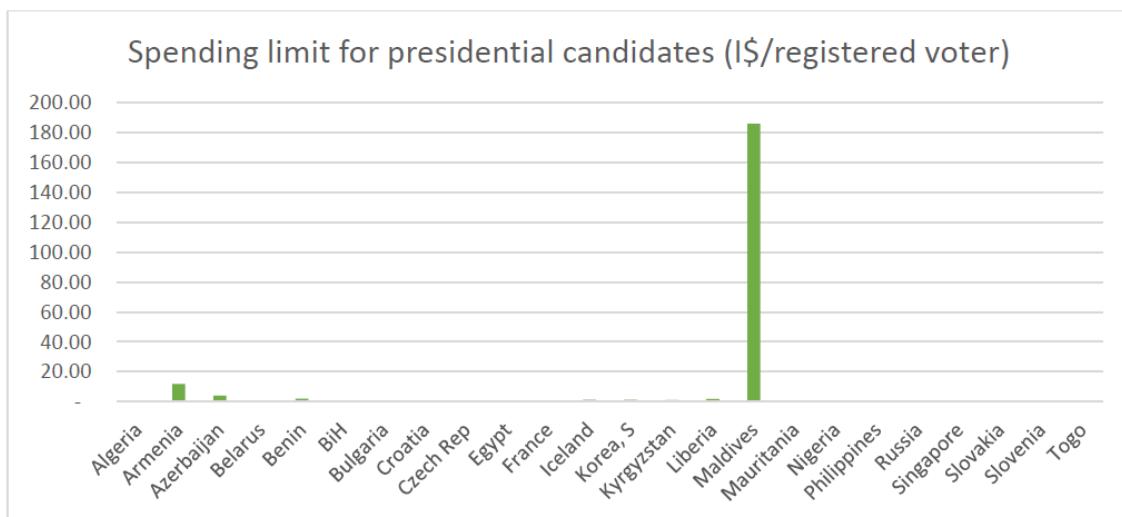
Political party expenses

Restrictions on election campaign spending are bans against vote buying and the spending of state resources in relation to election campaigns, while quantitative limits are less common.

The Elections (General) Act states that only the candidate or her/his official agent is allowed to pay out or spend money in relation to the election campaign. It is very difficult to see how this rule could be accepted by during larger election campaigns, in particular presidential elections.

The Elections (General) Act includes a limit on the spending for candidates in elections. In relation to an election, a candidate should only spend an amount not more than the equivalent of a total amount of money calculated on the basis of 1,500 (one thousand five hundred) rufiyaa per each eligible elector from the electoral constituency for which he is standing for elections.

The exceptional level of the spending limits in the Maldives is illustrated in the below graph, which shows the spending limits for presidential candidates the world over, expressed as I\$ per registered voter in each country.¹ The graph shows that the limit is significantly higher than anywhere else (this time, even Armenia falls far behind)².



Political advertising

Media must provide equal access to all competitors; and public media must provide free time without discrimination. Existing regulations recognize two types of public meetings, with the electorate and with assemblies. Meetings with the electorate are part of regular electoral campaigning and held after the official registration of each party as an electoral competitor.

By the Elections general Act Section 30, use of media in relation to elections has to be compiled in celebration with Media Commission of Maldives. Currently this Section 30 is not in detail on defining the boundaries and role of both commissions in executing the law.

Summary of Money and Elections in the Maldives by IFES

The International Foundation for Electoral Systems (IFES), in close cooperation with national experts from Commerce, Development and Environment (CDE) Consulting, conducted a

- 1 Calculated from the International IDEA political finance database. A handful of countries where the exact level is difficult to calculate (normally where it is expressed as a multiple of an inflation-related index) have been excluded. The average limit expressed in I\$ per registered voter in the countries shown in the graph above (excluding the Maldives) is I\$ 1.2, as compared to I\$ 186 in the Maldives.
- 2 Some countries have high spending limits for political parties, such as Kyrgyzstan. As discussed below, the Maldives, however, has no limit on party spending at all.

nation-wide survey to measure the prevalence of vote buying in the Maldives during the March 2014 parliamentary elections.

Vote buying is a serious problem in the Maldives, and if not addressed it threatens to undermine the democratic process in the country. Though vote buying is a common problem in some parts of the world, the proportions that it has assumed in the Maldives are alarming.

- More than one in three Maldivians (37 percent) have either been offered money or gifts for their votes personally, or have personally witnessed either a family member or someone else being offered money or gifts.
- Eighty two percent of those who reported experiencing vote buying said they were offered cash, with the majority (53 percent) being offered between MVR 4,000 (USD 262) and MVR 20,000
- The survey also finds that ballot marking was the most common technique used to ensure that those offered money or gifts cast their ballot for the candidate or the party who offered them money or gifts.

Despite the prevalence of vote buying, the majority of the Maldivian voters have not lost faith in the electoral process and believe that their vote counts. Vote buying should be addressed before cynicism and apathy take root.

- Eight out of 10 Maldivians have positive views of elections and believe that voting gives them influence over decision-making in the country, regardless of their interest in politics
- Nearly half (49 percent) of all Maldivians are very or somewhat interested in matters of politics and government. Interest in politics is significantly higher among men than women 59 percent versus 38 percent).
- Young people age 18-24 are less interested in politics than any other age group (36 percent are interested in politics compared to 44-58 percent among other age groups).

Maldivians have a negative perception of how political parties and candidates spend campaign funds. In addition, they lack access to information on how the political parties and candidates obtain and spend their funding, and do not believe that the information available is accurate. Perceptions can be changed by improving transparency through better implementation of existing rules, introduction of new legislation, and voter education by combined efforts of government, civil society, media and political parties.

- Most people believe that campaign funds are spent on illegal or unscrupulous activities. Nearly two-thirds (66 percent) of Maldivians believe that political parties and candidates spend most of their campaign funds on vote buying and on gifts for voters.
- A significant proportion (39 percent) of Maldivians said that they “don’t know” the key sources of election campaign funding for political parties and candidates.
- Four out of five people reported that they have never seen or heard about reports on campaign spending in the Maldives. Even in the case of those very interested in politics, 81 percent said that they have not seen or heard about reports on campaign spending.
- More than 70 percent of Maldivians said that they believe candidates are not honest in reporting campaign spending.

There is nearly unanimous support for campaign finance reform, specifically to combat vote

buying. Maldivian lawmakers clearly have public support to engage in measures to combat vote buying and introduce preventive measures before the next electoral cycle.

- Almost 90 percent of Maldivians said that vote buying should remain illegal.
- More than 70 percent believe that there should be a limit on political contributions by any one person.
- Close to three-quarters of Maldivians said that they would like to see campaign spending limits for political parties and candidates.

Although a majority of Maldivians have expressed satisfaction with specific aspects of the electoral process, electoral fraud is an area of concern among a significant percentage of the population.

- More than a third (36 percent) believes that fraud was committed during the March 2014 parliamentary elections. The more educated a respondent is, the more likely he/she is to believe that electoral fraud took place. This underscores the need for better education of voters about the electoral process and electoral fraud.
- On the other hand, Maldivians have a very positive opinion of election officials, including polling station officials and the Elections Commission. Eighty one percent of the population was satisfied with their experiences at the polling station, and 73 percent said that the Elections Commission performed well in conducting elections.

Turnout for the most recent parliamentary elections was nearly 78% and it exceeded 80% for recent presidential elections.

Recommendations

1. Enlarge parties' support base and reduce dependency on large donations
2. Promote party financial income transparency
3. Consolidate electoral and party oversight institutions
4. Ensure proper accounting of all party expenses
5. Provide incentives for lowering political party expenditures
6. Consolidate enforcement mechanism through laws and guide lines

To increase transparency and provide more equitable access to politics across socioeconomic groups, the following policy recommendations

The recommendations concern different policy measures that are concluded by the symposium held from 18 to 20 August 2014 with the stakeholders.

(Political Party members, EC staff, parliamentary members, attorney general's office, prosecute general's office, judiciary commission, Supreme court, Civil court, Civil Service commission, Maldives broadcasting commission, Maldives police service .etc....

Annex 7 : Campaign Finance (Thematic Paper by Pakistan)

In the name of Allah, the Most Gracious, the Ever Merciful

PROMOTING SANCTITY OF ELECTIONS - REGULATING CAMPAIGN FINANCE

By Justice (R) Fazal-ur-Rehman,
Member Election Commission, Election Commission of Pakistan

Mr. Chairman,
Dear Participants,
Ladies and Gentlemen!

At the outset, let me express my gratitude to the organizers for selecting such a novel topic for this conference because regulation of campaign finance is an area that requires immediate attention of South Asian EMBs in order to ensure level playing field to the political parties and contesting candidates and it shall inevitably give rise to a strong, prosperous and democratic region. It would be pertinent to cite Mr. William Gladstone's remarks while introducing Corrupt Practices Act, 1883 in United Kingdom that:

"Political finance is a vital issue for democracy, governance, and development. No matter how flawless are the country's elections, how active its civil society, how competitive its political parties, and how responsible its local authorities, the role of money in politics undeniably influences the quality of democracy and governance. Only through greater transparency will one fully understand the extent and nature of this influence."

It is needless to mention that democratic norms and values can only flourish effectively in an environment where everyone has his equal chances to be elected regardless of his monetary affluence and it is the responsibility of an organized and powerful EMB to control, regulate and facilitate democratic activities within a state in a coherent manner with the help of well-defined and clearly laid out principles.

2. Holding of free, fair, honest and just elections are Sine qua non for strengthening of democracy and Constitution of the Islamic Republic of Pakistan enshrines that it shall be the duty of Election Commission of Pakistan to make such arrangements as are necessary to ensure that the election is conducted honestly, justly, fairly and in accordance with law, and that Corrupt Practices are guarded against. Electoral Laws in Pakistan provide the three main areas of electoral and political finance regulation and enforcement. These are:

- i. Monitoring of the election (campaign) expenses
- ii. Monitoring of finances of political parties
- iii. Monitoring of the assets of Members of Parliament and Provincial Assemblies

MONITORING OF THE ELECTION EXPENSES

3. In Pakistan, Section 49 of the Representation of the People Act, 1976 states that:

"No person other than the candidate shall incur any election expenses of such candidate: Provided that where any person incurs any election expenses on behalf of such candidate, whether for stationery, postage, telegrams, advertisement, transport or for any other item whatsoever, such expenses shall be deemed to be the election expenses incurred by the candidate himself."

Maximum limit to election expenses for a candidate of National Assembly of Pakistan is one million and five hundred thousand rupees and in case of an election to a seat of Provincial Assembly the limit is one million rupees. Every candidate has to submit through bills, receipts and other documents the detail of every payment made in respect of election expenses except where the amount is less than five hundred rupees. A returned candidate is bound to submit the detail of such expenses within ten days from the poll of an election according to Section 42 of the Representation of the People Act, 1976 and rest of the candidates have to submit such statements within 30 days according to Section 50 of the Act.

4. I would also like to bring to your notice an authoritative judgement of Hon'ble Supreme Court of Pakistan in Constitution Petition No. 87/2011 filed by Workers Party Pakistan and others, wherein, the apex court of the country, directed Election Commission of Pakistan to formulate procedures for monitoring election expenses so that an effective mechanism should be made to nip the corrupt practices in the bud. Resultantly, 421 Monitoring Teams were deputed by ECP across the country in the General Elections that were held on May 11, 2013 for monitoring the campaign expenses incurred by the contesting candidates. These Monitoring Teams were mandated with the task of ensuring observance to the Code of Conduct. Such teams could also point out violation of the limits imposed by the law with regard to campaign finance.

5. There is, perhaps, no panacea to deal with the issues of expenditures incurred by the contesting candidates but EMBs of the regions have to think out of the box to ensnare those who have no respect for the laws relating to the campaign finance. Election Commission of Pakistan (ECP) directed all the candidates to open their separate bank accounts for incurring election expenses and this step has helped in significantly deterring the violation of the election expenses by the candidates in Pakistan.

6. Electoral Laws of Pakistan envisage a transparent mechanism with regard to the scrutiny of assets and liabilities and election expenses of the contesting candidates. Every citizen of the country has been provided an opportunity to inspect the Nomination Forms and Statements of Election Expenses submitted by the contesting candidates. Chapter-VI of the Representation of the People Act, 1976 exclusively deals with election expenses that may be helpful for those who want to know legal mechanism of financial oversight of ECP with regard to the expenses incurred by the contesting candidates.

7. let me admit that advancement of modern technologies and private, social and electronic media has made the task of regional EMBs to effectively monitor campaign finance an uphill one because mushroom growth of social media networks and their popularity in rank and files has made it easy for the political parties and contesting candidates to flout the laws relating to campaign finance but unless measures are taken to take such finances into accounts, level playing field to all political parties and contesting candidates cannot be ensured. ECP has made a meager beginning during General Election 2013 through issuing a code of conduct for media in consultation with all leading print and electronic media groups and this code helped, at least, to provide more level playing field to all major political parties on national media during election campaign and it has also resulted in decrease of expenditures on election campaign by political parties.

8. Through this esteemed forum, let me propose that campaign finance and matters relating to expenditures incurred by the contesting candidates is one of the befitting areas where regional EMBs may consider constituting a committee comprising of members nominated by each EMB for enhancing their efforts and expertise through mutual experience sharing and setting some common objectives. We, as a region, are grappling with somewhat identical

challenges and we may collectively find a way out to cope up those challenges in the area of campaign finance.

MONITORING OF FINANCES OF POLITICAL PARTIES

9. Monitoring of finances of Political Parties is another facet of campaign finance and in Pakistan, Article 13 of the Political Parties Order, 2002 states that:

"(1) Every political party shall, in such manner and in such form as may be prescribed or specified by the Chief Election Commissioner, submit to the Election Commission, within sixty days from the close of each financial year, a consolidated statement of accounts of the party audited by a Chartered Accountant containing:

- (a) annual income and expenses;*
- (b) sources of its funds; and*
- (c) assets and liabilities."*

Such statements are accompanied by a certificate signed by the party leader stating that:

- (a) no funds from any source prohibited under this Order were received by the party; and*
- (b) the statement contains an accurate financial position of the party.*

10. Political Parties, in Pakistan, are not legally permitted to receive funds from foreign governments, multinational or domestically incorporated public or private companies, firms and trade or professional associations. However, donations can be received from individual donors and parties are required to maintain record of such expenditure.

11. it's a matter of great pleasure that Election Commission of Pakistan has established a political finance wing with a view to enhancing ECP's control over election expenses incurred by political parties and Contesting Candidates and, supporting of the implementation of regulations on political finance. This wing would start working within a month and be helpful for us in effective oversight of political parties, contesting candidates and returned candidates regarding campaign finance. Establishment of a political finance wing is just a beginning by ECP because modern election campaign by political parties is high tech and multifaceted and ECP is aware of the fact that it would have to take more steps to oversee campaign finances of political parties in due course.

MONITORING OF THE ASSETS OF MEMBERS OF PARLIAMENT AND PROVINCIAL ASSEMBLIES

12. Notwithstanding the fact that monitoring of assets of Members of Parliament and Provincial Assemblies is not directly related with campaign finances but this has a deep indirect connection due to the fact that hawkish eye on the increase or decrease of assets of Parliamentarians and MPs helps an EMB to assess the expenditures incurred by them during campaign period. It is also worth mentioning that accountability of the assets and liabilities of elected members remains pivotal in promoting sanctity of elections and strengthening the trust of electorates on democratic system.

13. Esteemed participants, as I have already mentioned that the arena of campaign finance is relatively unexplored in comparison with other arenas of electoral system and an EMB

cannot be oblivious of the fact that effective campaign finance is of the important areas where efficient measures are required in order to strengthen democratic culture and norms in the country, Election Commission of Pakistan has proposed certain amendments in the existing electoral legal framework of Pakistan for making its monitoring of campaign finances and allied issues more effective. The measures include the proposal for establishment of Campaign Monitoring Committee at district level, opening of a dedicated bank account by the Candidates, regular submission of campaign expenses by the candidates during campaign period, measures to probe into the finances of political parties and returned candidates and well-defined mechanism for penalty against corrupt practices.

14. Election Commission of Pakistan is fully aware of the fact that it is just the beginning for ensuring adequate measures in the field of electoral and campaign finances and it has to go a long way. This is why, in its Second Five Year Strategic Plan, 2014-2018; ECP has set Strategic Goal No. 5 relating to electoral finance. We have a pledge to assess the legal framework of the country dealing with electoral finance for making it more effective by the first quarter of next year. We are also aware of the fact that developing campaign monitoring tool kits for monitoring teams, training and capacity building of those teams are some of the areas where ECP has to work efficiently so, all such areas have been included by the ECP in its Strategic Goal for the years 2014-2018.

15. Last but not the least; administrative measures for effective campaign monitoring would remain inadequate unless EMBs of the region chalk out a comprehensive plan for voter awareness and feedback in campaign monitoring in their respective countries. There is a need to take the stakeholders on board for creating further awareness among them in this regard. At the end, let us reaffirm our commitment to work harder for regulating campaign finance so as to further enhance sanctity of elections among ranks and files of the region.

Thank you very much.

Annex 8 : Service Condition of Election Commission Officials (Discussion Paper by Bangladesh)

SERVICE CONDITION OF ELECTION COMMISSION OFFICIALS, BANGLADESH

The Constitution of the People's Republic of Bangladesh provides that the President shall when so requested by the Election Commission, make available to it such staff as may be necessary for the discharge of its functions and the Election Commission Secretariat Act, 2009 provides for a separate Secretariat under Election Commission, independent from the government's one. Accordingly it has its own independent secretariat at its headquarter presently housed at the premises of the Planning Commission at the Sher-e-Bangla Nagar, Dhaka. It has its field offices across the country at region, district and upto upazila (subdistrict) level. It has also an Electoral Training Institute in Dhaka. The total officers and staff of Election Commission Bangladesh are 2746.

A few officers are deputed from the government and others are commission's own officers. At present the Secretary and Additional Secretary are deputed from the government. Legal Wing officers are all deputed from the judicial service and planning cell officers are deputed from the Economic cadre of the government. Some of the project personnel are also deputed from the government as well as from the Armed Forces Division. The small secretariat at the headquarter consists of 128 officials and 192 employees. The field organization is composed of ten regional offices, 64 district offices and 487, upazila offices with a total of 701 officials and 1725 employees. Apart from these full time officials during updating of voter registry and holding of elections large number of temporary/part-time officials are hired for short periods from government departments, autonomous, semi-autonomous bodies and other institutions.

Election Commission officials enjoy the status of the employees of the Republic and are entitled to the same pay, allowances and privileges as those applicable to government officials. Service conditions are also similar. Officers are recruited by the Public Service Commission- a separate Constitutional body. But other staff are recruited by the Commission. All officers and staff get their pay and allowances as per Government pay scale under the "Services (Reorganization and Conditions) Act, 1975 (XXXII of 1975). Present Pay Scale is shown in annexure-1. This pay scale is also applicable for semi-Government, autonomous and semi-autonomous bodies. Government normally set up a pay commission after five years. Last pay scale was introduced in December 2009. Government introduced 20% of the basic salary (minimum Tk.1500/- to maximum Tk. 6000/-) as dearness allowance for all officers and staff from 1 July 2013.

A new Pay commission was formed and it has recommended a new pay scale already (annexure-2), which is likely to be made effective from July 2015. The Pay Commission recommended raising the salary of the public servants by 100% on an average and cutting down the number of grades to 16 from existing 20. The minimum basic salary per month proposed at Tk 8,200/- from existing Tk 4,100/- and maximum at Tk 80,000/- from Tk 40,000/-. It also recommended for special health insurance facilities and some other benefits.

According to the existing pay scale officers and staff are also eligible to get the following allowances:

- **House rent allowance:**

Basic pay	Rate of house rent (monthly)		
	For Dhaka Metropolitan area	For Narayangong, Tongi, Chittagong, Khulna, Rajshahi, Sylhet, Barisal Metropolitan/ Municipal areas	For rest of the country
Up to Tk. 5000.00	65% of basic pay (minimum Tk. 2800.00)	55% of basic pay (minimum Tk. 2500.00)	50% of basic pay (minimum Tk. 2250.00)
From Tk. 5001.00 to Tk.10800.00	60% of basic pay (minimum Tk. 3300.00)	50% of basic pay (minimum Tk. 2800.00)	45% of basic pay (minimum Tk. 2500.00)
From Tk. 10801.00 to Tk.21600.00	55% of basic pay (minimum Tk. 6500.00)	45% of basic pay (minimum Tk. 5400.00)	40% of basic pay (minimum Tk. 4800.00)
From Tk. 21601.00 to Tk.40000.00	50% of basic pay (minimum Tk. 11900.00)	40% of basic pay (minimum Tk. 9700.00)	35% of basic pay (minimum Tk. 8500.00)

- **Conveyance allowance:** Class III and class IV employees in six city corporations, and Narayangonj and Tongi Municipal areas get Tk. 150.00 as conveyance allowance every month.
- **Festival allowance:** All officers and staff get two festival allowances in a year each equivalent to their basic pay.
- **Rest & Recreation allowance:** After every three years all officials become eligible for rest and recreation allowance equivalent one month basic pay along with 15 days leave subject to availability in his credit.
- **Tiffin allowance:** All class III and class IV employee are eligible to get Tk. 150.00 as tiffin allowance per month.
- **Washing allowance:** All class IV employees get Tk. 75.00 as leverage & washing allowance every month.
- **Charge allowance:** For holding additional charge and current charge, officers and staff are eligible to get 10% of their basic pay (not above Tk. 1500.00) as charge allowance.
- **Domestic Aid allowance:** Secretaries and equivalent officers are eligible to get Tk. 3000.00 as Domestic aid allowance per month.
- **Deputation allowance:** Officers and staff are eligible to get 20% of their basic pay while on deputation.

- **Hill allowance:** Officers and staff working in three hill districts (Rangamati, Bandarban & Khagrachari) are eligible to get 30% (not above Tk. 3000.00) of their basic pay as Hill allowance.
- **Entertainment allowance:**

Cabinet Secretary	: Tk. 2000.00	(per month.)
Principal Secretary	: Tk. 1200.00	"
Secretary	: Tk. 1000.00	"
Additional Secretary	: Tk. 900.00	"
Joint Secretary	: Tk. 600.00	"
- **Education Assistance allowance:** All officials are entitled to education assistance allowance of taka two hundred for the first child and taka three hundred for more than one child.
- **Cell phone allowance:** Deputy Secretary and above are eligible to get Cell Phone allowance.

Secretary	: Actual usage
Additional Secretary	: Tk. 600.00
Joint Secretary	: Tk. 600.00
Deputy Secretary	: Tk. 400.00
- **Special benefit for election officials:** The election officials working at the headquarters get extra benefits from Taka 285 to 300/- for each additional working hour during election and voter registration. They also get a benefit of taka 2000/- each for overnight stay in the office for election and post Election Day duty.
- **Temporary manpower and their emoluments for conducting election:** Election Commission Bangladesh appoints Presiding officers, Assistant Presiding officers and Polling Officers to conduct elections. They are paid for training and polling duties. For day long training, Presiding officers and Assistant Presiding officers get Tk. 300.00 for refreshment and Tk. 200.00 for conveyance. For half day training the Polling officers get Tk. 200.00 for refreshment and Tk. 200.00 for conveyance. Presiding officers get Tk. 3000.00, Assistant Presiding officers Tk. 2000.00 and Polling Officers Tk. 1500.00 as remuneration.
- **Temporary manpower and their emoluments for Voter Registration:** Election Commission Bangladesh also appoints temporary enumerators and supervisors for updating the voter registry. For day long training they get Tk. 500.00 for refreshment and conveyance. Every enumerator get Tk. 20.00 for each voter registered, while supervisors get Tk. 4.00 for each voter registered.

Bangladesh Bureau of Statistics (BBS) also employs temporary enumerators and supervisors for population and other censuses. For two day training enumerators and supervisors get

Tk. 200.00 as conveyance and are provided with refreshment and lunch. BBS also pays Tk. 3500.00 to enumerators for three days enumeration work and Tk. 5500.00 to supervisors as remuneration.

Private Banks & other financial institutions and corporate houses usually pay more than double compared to government pay structure.

Daily wages for unskilled laborers in Bangladesh: Normally an unskilled day laborer in agriculture and other sectors can earn Tk. 400.00 to 500.00 per day.

Comparison of service condition in South Asia region: Election Commission Bangladesh officers and staff are getting less pay & allowances in comparison with India, Pakistan and Sri Lanka, it is gathered.

Annexure-1

Grade	Scale
1st	40000/- (Fixed)
2nd	33500-1200x5-39500/-
3rd	29000-1100x6-35600/-
4th	25750-1000x8-33750/-
5th	22250-900x10-31250/-
6th	18500-800x14-29700/-
7th	15000-700x16-26200/-
8th	12000-600x16-21600/-
9th	11000-490x7-14430-EB-540x11-20370/- *
10th	8000-450x7-11150-EB-490x11-16540/-
11th	6400-415x7-9305-EB-450x11-14255/-
12th	5900-380x7-8560-EB-415x11-13125/-
13th	5500-345x7-7915-EB-380x11-12095/-
14th	5200-320x7-7440-EB-345x11-11235/-
15th	4900-290x7-6930-EB-320x11-10450/-
16th	4700-265x7-6555-EB-290x11-9745/-
17th	4500-240x7-6180-EB-265x11-9095/-
18th	4400-220x7-5940-EB-240x11-8580/-
19th	4250-210x7-5720-EB-220x11-8140/-
20th	4100-190x7-5430-EB-210x11-7740/-

* Starting scale at the entry level of election officers (Upazila/Thana Election Officer/ Assistant Secretary/Assistant Director/Election Officer).

Annexure-2

Grade	Existing Pay Scale (Basic Salary)	Proposed Pay Scale (Basic Salary)
1st	Tk 40,000	Tk 80,000
2nd	Tk 33,500	Tk 70,000
3rd	Tk 29,000	Tk 60,000
4th	Tk 25,750	Tk 52,000
5th	Tk 22,250	Tk 45,000
6th	Tk 18,500	Tk 37,000
7th	Tk 15,000	Tk 32,000
8 th*	Tk 12,000 Tk 11,000	Tk 25,000
9th	Tk 8,000	Tk 17,000
10th	Tk 6,400	Tk 13,000
11th *	Tk 5,900 Tk 5,500	Tk 11,500
12th	Tk 5,200	Tk 10,500
13th	Tk 4,900	Tk 10,000
14th	Tk 4,700	Tk 9,500
15th *	Tk 4,500 Tk 4,400	Tk 9,000
16 th*	Tk 4,250 Tk 4,100	Tk 8,200

Grades with Asterix * have been merged with another one.

Annex 9: Media Commission in Afghanistan (Discussion Paper by Afghanistan)



Media Commission in Afghanistan

November 2014

Independent Election Commission of Afghanistan



Background

- Media Commission is a **specialized body whose responsibility is to regulate media during election periods.**
- **Only few countries have adopted the electoral media commission model.**
- In Afghanistan, the Media Commission was **established by the Joint Electoral Management Body for the first time in 2005.**



Legal Framework

- The **Election Law (2013)** and the **IEC Regulation on Establishment of the Media Commission** set out the mandate, duties, responsibilities and criteria for selection of its members.
- **Establishment** has to happen **at least 90 days** before the Election Day



Mandate

- To **provide guidelines and issue code of conducts** for media.
- To **develop internal procedures for adjudication** of media related complaints.
- To **sensitize and inform** about rules and reporting standards for electoral campaign media coverage.
- To **monitor fair and impartial reporting** of electoral campaigns by the media.
- To **verify media's compliance** with electoral campaign rules.
- To receive and address **media-related complaints**.
- To take **appropriate measures** in case of violations (warning, financial sanction, referring to relevant authorities).

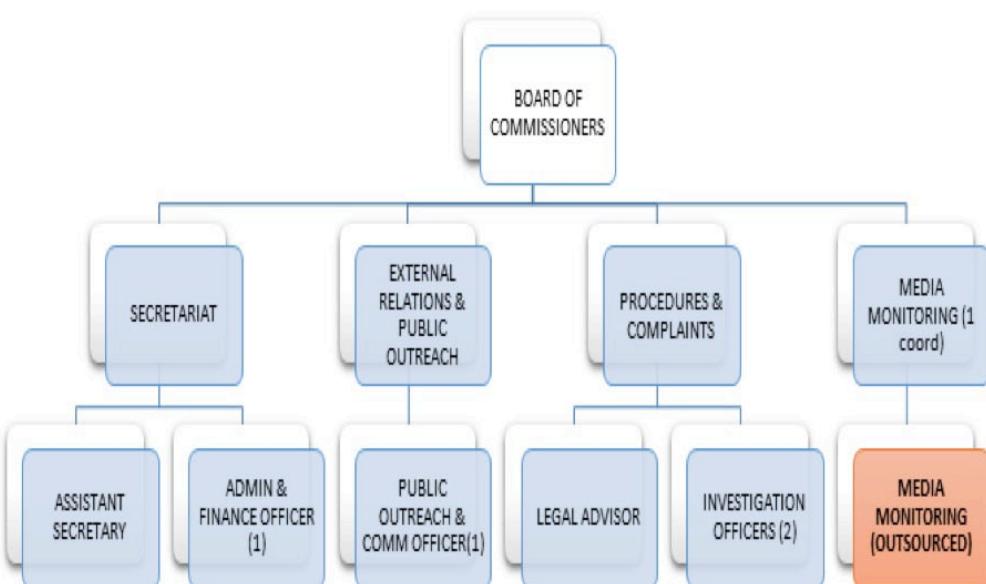


Structure of the Media Commission

- The Media Commission was established on 4 December 2013 for the 2014 presidential and provincial council elections.
- **The Board of Commissioners** is comprised of **five members**
- The **selection process** involved media representatives and was based on **media-related educational and professional qualifications**.



Structure of the Media Commission





Achievements

- **Guidelines and procedures** developed:
 - *Regulation on Media Activities during Elections*
 - *Guidelines for Media Coverage of the Silence Period*
 - *Internal procedures for adjudication of electoral media violations*
- **Informed media** about campaign regulation (provincial meetings)
- **Informed public** about Media Commission activities and decisions
- **Addressed violations** and resolved disputes related to media



Media Monitoring

- Third party media monitoring reports enhanced the **IEC Media Commission's capacity** to address media-related violations.
- Some **90 media monitors** were deployed across the country.
- Some **60 media outlets** were monitored in all 34 provinces.
- **Weekly and ad hoc reports** on media coverage of electoral issues and campaigns were produced.



Complaints Adjudications and Violations

- **Facilitated disputes resolution** between parties and **addressed violations**.
- **Sanctions: 14 media outlets were fined** for violating media regulations during the 1st round; and **25 media outlets** for run-off.
- **2 media outlets referred** to the Attorney General's Office **for prosecution** following the refusal to pay fine.



Challenges

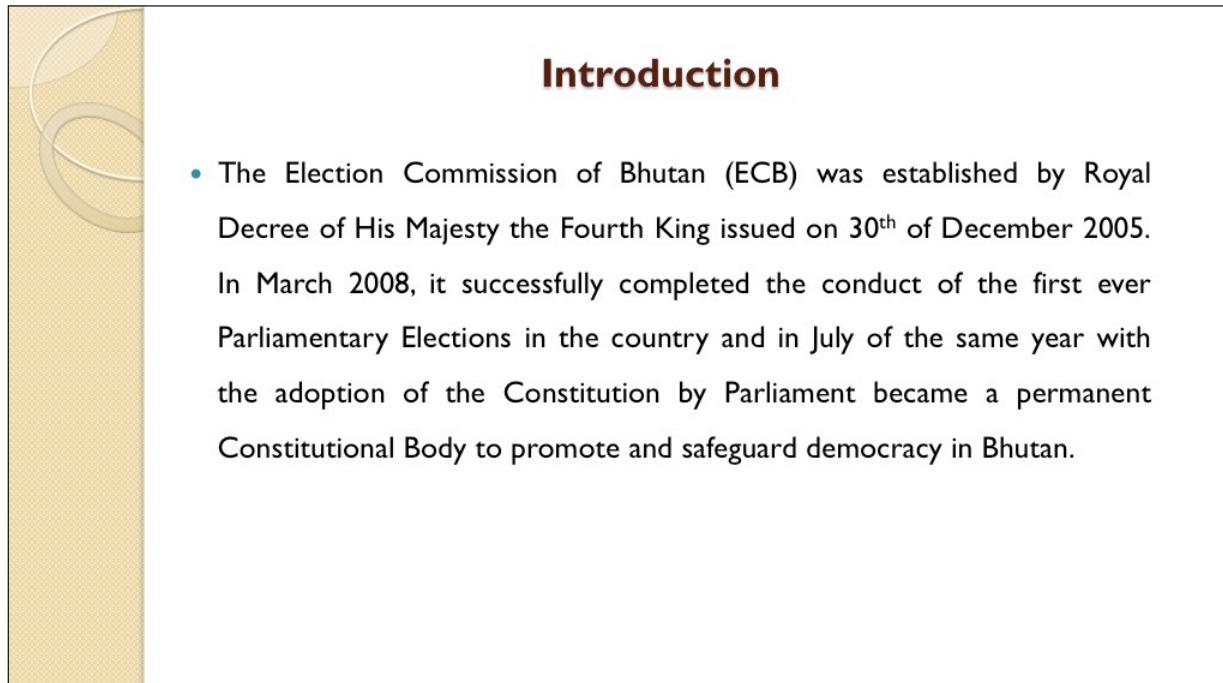
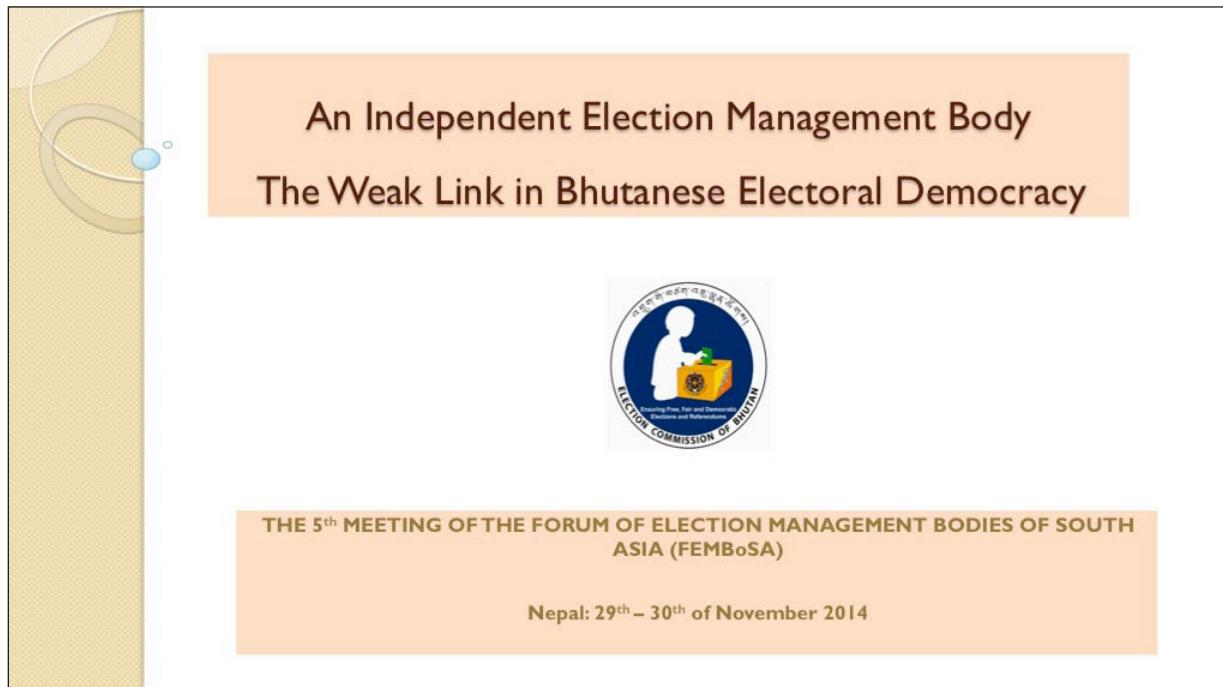
- **Opinion polls:** Media Commission lacks capacity and authority to investigate opinion polls' quality and impartiality.
- Media income reports on candidates' **advertising campaigns not made available**.
- **Timeframe (90 days)** for establishment of the Media Commission was **tight** to ensure the body is full operational before the start of electoral campaign.



Recommendations

- The IEC Regulation on Media Activities should be reviewed to give a **realistic mandate** to the Media Commission **regarding the opinion poll**.
- The Media Commission **should be established well in advance**, perhaps 6 months before the Election Day rather than 90 days to give sufficient time for preparations.
- The Media Commission could be made a **permanent body rather than temporary**.

Annex 10: Independent Election Management Body- The Weakest Link in Bhutanese Electoral Democracy (Discussion Paper by Bhutan)



The Constitution of the Kingdom of Bhutan:

- *There shall be an Election Commission which shall be responsible for the preparation, maintenance, and periodical updating of electoral rolls, the election schedule, and the supervision, direction, control, and conduct of elections to Parliament and Local Governments, as well as holding of National Referendums, in a free and fair manner.* (Article 24 Section 1)
- *The Election Commission shall be independent and shall consist of a Chief Election Commissioner and two Election Commissioners, appointed by the Druk Gyalpo from a list of names recommended jointly by the Prime Minister, the Chief Justice of Bhutan, the Speaker, the Chairperson of the National Council and the Leader of the Opposition Party.* (Article 24 Section 2).
- *The Election Commission shall be responsible for the delimitation of constituencies for election of the members of Parliament and Local Governments.* (Article 24 Section 4)
- *The Election Commission shall function in accordance with the Electoral Laws.”* (Article 24 Section 6)

The Election Act 2008:

Election Commission

- *The Election Commission shall be independent and consist of a Chief Election Commissioner and two Election Commissioners.* (Section 20)

Power to Requisition

- *The Election Commission shall be entitled to requisition, during elections:*
 - *The services of any officer and staff of the Government or Local Government, so as to assist it in the discharge of its functions; and*
 - *Any facility including premises, vehicle or horses needed in connection with any election arrangement on payment of reasonable compensation as the Commission may deem appropriate.* (Section 40)



Authority of the Election Commission

- *The Election Commission shall have full authority over all aspect of its financial and personnel management. (Section 41)*
- *Parliament shall approve the budget of the Election Commission which shall be charged on the Consolidated Fund of Bhutan. In the case, Parliament fails to allocate budget for the Commission on time, the Ministry of Finance shall provide the Commission with interim funds at least equal to the previous year's budget. (Section 42)*



Jurisdiction of Courts Barred

- *A Court shall not have jurisdiction to question the legality of any action taken or of any decision given by the Election Commission or its officers or by any other person appointed under this Act in connection with an election, except upon receiving an election petition or an election appeal. (Section 44)*

Deputation

- *All officers and staff including security personnel deployed or employed in connection with elections shall be deemed to be on deputation to the Election Commission, be subject to the control, superintendence and discipline of the Commission and shall be dealt in accordance with this Act, during the period for which they are so employed. (Section 70)*
- *No person covered by section 70 including personnel employed in connection with preparation or revision of the Electoral Roll shall after having being so deputed, be transferred by the Government during the period of elections or during preparation or revision of Electoral Roll, except with the prior approval of the Election Commission. (Section 71)*

Publication of [Delimitation] Orders and their Date of Operation

- *The Delimitation Commission shall simultaneously forward duly authenticated copies of each of its orders made under section 87 before both Houses of Parliament, to the concerned Local Governments for similar action, and to the Election Commission for appropriate action. (Section 89)*

Amendment

- *Parliament shall have the moral responsibility to ensure that an amendment does not undermine the authority and effectiveness of the Election Commission in the conduct of free and fair elections. (Section 583)*

Composition, Procedure of Appointment and Tenure

- His Majesty the King appoints from a list of names jointly recommended by Prime Minister, Chief Justice of Supreme Court, Speaker of National Assembly, Chairperson of National Council and Leader of Opposition Party in Parliament.
- The tenure of Commissioners in Bhutan is provided for five years or until they attain the age of sixty-five years whichever is earlier.
- The Chief Election Commissioner may be removed from his/her post by impeachment by Parliament whereas the other Commissioners may be relieved by His Majesty the King on the recommendations submitted by the Chief Election Commissioner on the grounds of violation of the Election Act.

Financial Independence

- Financial autonomy is a crucial indicator of independence.
- Section 42 of the Election Act 2008 provides that State shall provide budget for the Election Commission (and in case it fails to do so on time, the Ministry of Finance shall make available interim funds at least equal to the budget of the previous year).

Autonomy in Staff Recruitment

- The service conditions of the members of the Election Commission is governed by the *Entitlement and Service Conditions Act for the Holders, Members and Commissioners of Constitutional Offices of Bhutan, 2010* and the employees of the Election Commission by the *Service Rules of the Election Commission of Bhutan, 2010*.
- Entitlement and Service Conditions Act for the Holders, Members and Commissioners of Constitutional Offices of Bhutan, 2010:
 - The Holders, Members and Commissioners of Constitutional offices shall be entitled to receive adequate salaries, allowances and benefits in order to ensure independence, prevent corruption and maintain the highest standards of ethics and integrity. (Section 9)
 - The salaries and allowances of the Holders, Members and Commissioners of Constitutional Offices shall not be varied to their disadvantage after appointment. (Section 10)

Professionalism and Integrity

- In order that the Election Commission develops into a fully functional and professional institution capable of conducting and maintaining the integrity of free and fair elections, a number of projects have been planned
- The training of all ECB staff and the civil/ public servants in the ECB's roster of election officers are given top priority, especially National Observers and Returning Officers.



Election Dispute Settlement System

- The ECB during the election period is charged with the full responsibility of adjudication and resolving of disputes and complaints related to elections, in order to provide an uninterrupted election process. An election to Parliament or Local Government can be called in question only by an election petition.
- To ensure that this important aspect is addressed in a manner above reproach, the *Election Dispute Settlement Rules and Regulations 2013* and *Election Dispute Settlement Manual* govern the settlement of electoral disputes during the election period.



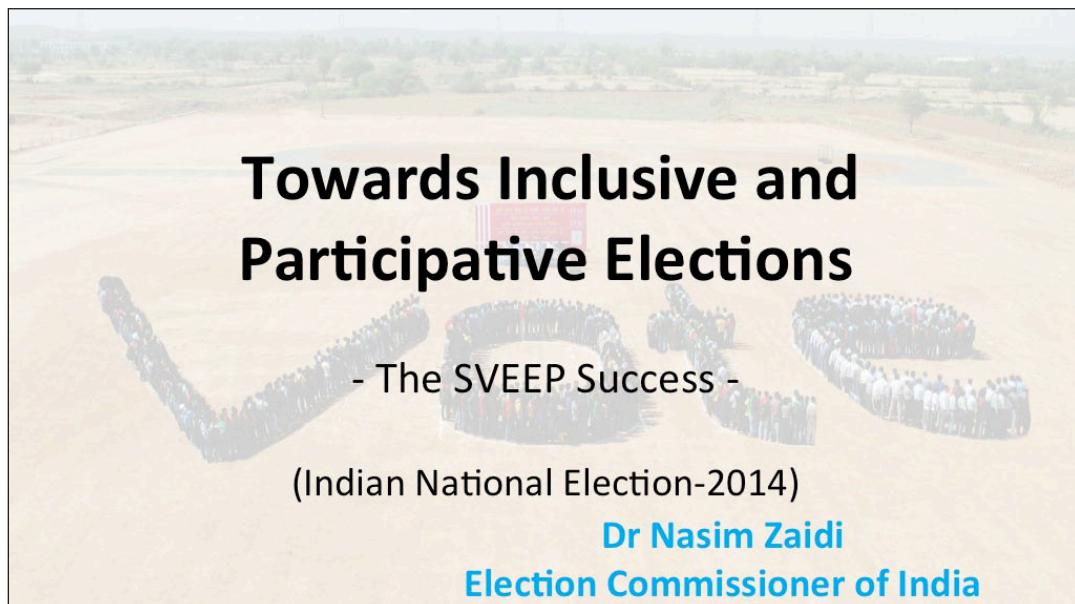
Public Trust in EMB

- In order to ensure public trust in an EMB and integrity of Elections, various mechanisms are put in place in the Electoral Laws.

References:

- Royal Decree issued on 31st of December 2005;
- Constitution of the Kingdom of Bhutan 2008;
- Election Act of the Kingdom of Bhutan 2008;
- Entitlement and Service Conditions Act for the Holders, Members and Commissioners of Constitutional Offices of Bhutan, 2010;
- Service Rules of the Election Commission of Bhutan 2010;
- Election Dispute Settlement Rules and Regulations 2013; and
- Election Dispute Settlement Manual 2013.

Ka Drin Che



16th General Election to Lok Sabha

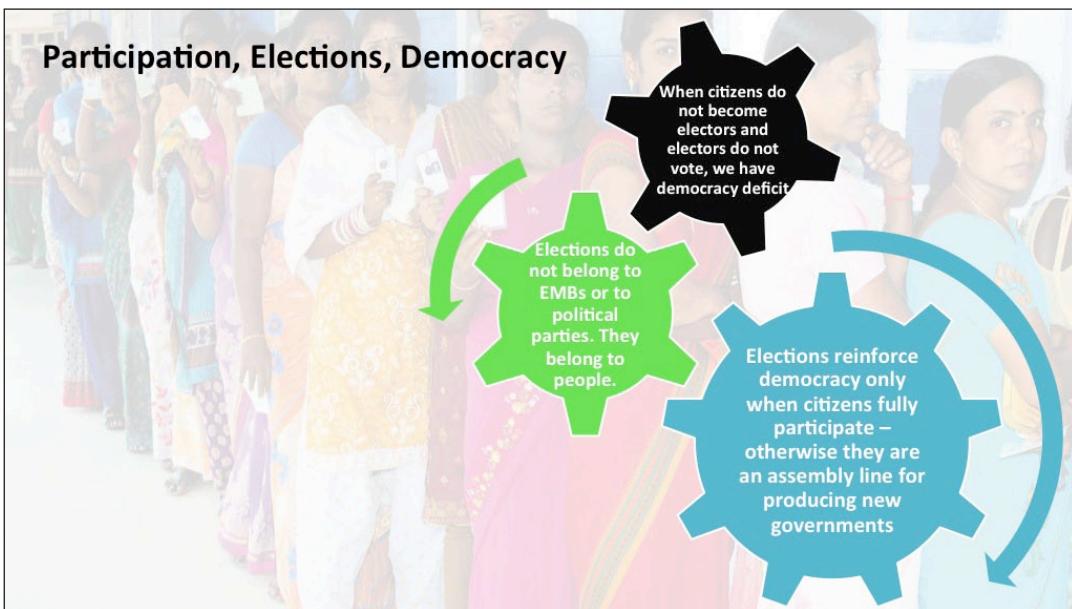
Parliament of India, the supreme Legislative body comprises the Lok Sabha (House of the People) and the Rajya Sabha (Council of States).

General Election to the 16th Lok Sabha (Lower House) held in April-May-2014 for 543 Seats.

Election is by direct voting and First Past the Post system

Magnitude

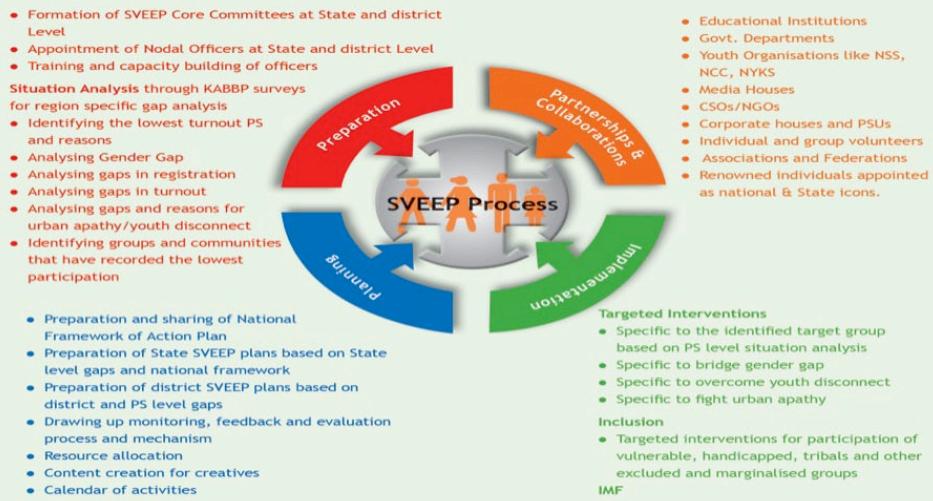
Electors	<ul style="list-style-type: none">• 834 Million• Male 437 million; Female 397 million
Polling Stations	<ul style="list-style-type: none">• 923849
EVMs used	<ul style="list-style-type: none">• 15,50,000
Staff & Security deployed	<ul style="list-style-type: none">• 11 million (about)
Observers	<ul style="list-style-type: none">• 1200
Political parties	<ul style="list-style-type: none">• 464
Candidates	<ul style="list-style-type: none">• 8251



Systematic Voters' Education & Electoral Participation (SVEEP)



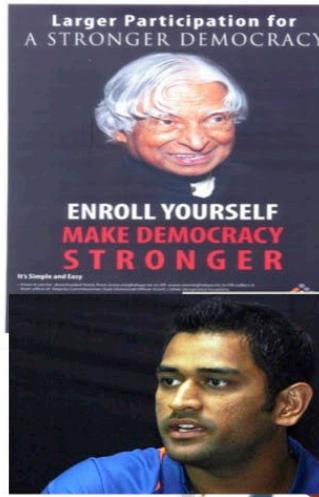
Figure 1.6: SVEEP process



Partnerships



National Icons of ECI



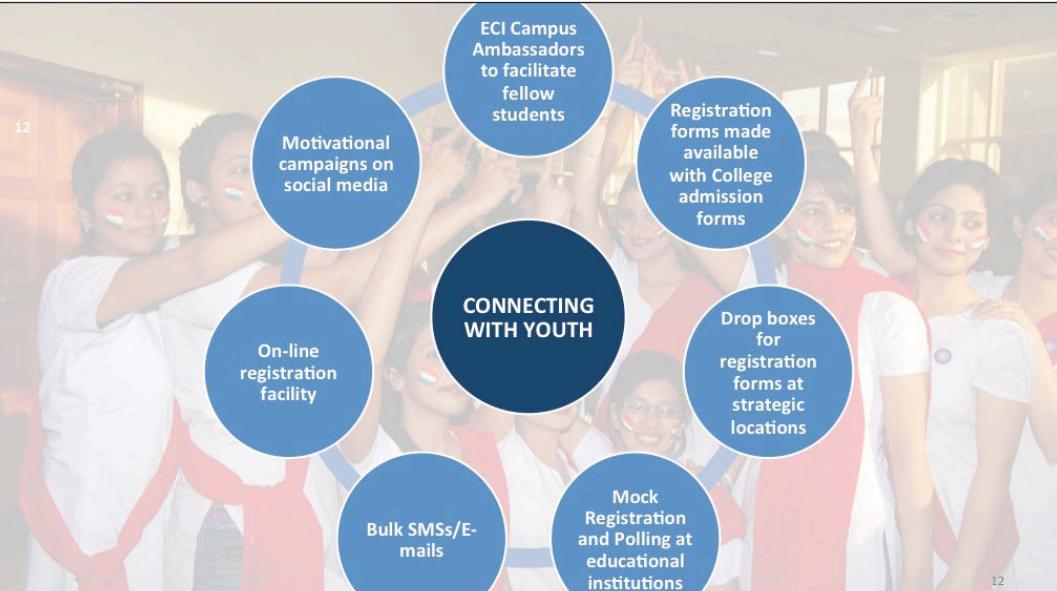
Grass root level workers of Govt's women's pgms trained and involved in electoral participation

Women centric activities and competitions conducted to engage women

MEETING GENDER GAP

Women centric messages and advocacy material in mass media

Young mothers targeted through health workers



Tackling Urban Apathy



Voter Education & Facilitation Centres

Involving Resident Welfare Associations and NGOs as Volunteers

Corporate contacted to ensure registration of their employees; alternative registration hubs for corporate

Special campaigns through print & electronic and social media besides sand art

Connecting through Malls, Metros, Theatres, Food Chains, Rock Bands

SVEEP for Inclusion - I



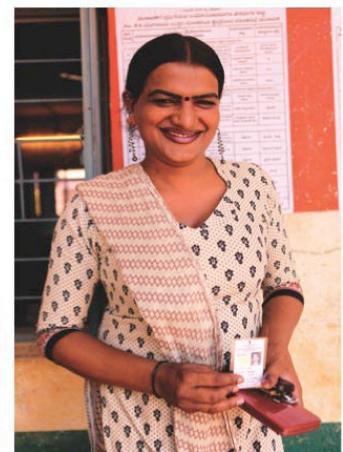
14

SVEEP for Inclusion - II

Unique efforts for enrolment of migrants, especially labourers, and homeless people, special registration drives and awareness campaigns

Structured approach, continuous motivation, improved security measures, polling stations in proximity to include people in difficult/ extremism affected areas

Special registration drive for enrolment of people under the category 'Others',



15

Facilitation - I



Basic Minimum Facilities (BMF) - ramps, toilets, electricity, sheds and drinking water at every Polling Station



Model Polling Stations with additional facilities to make voting a pleasant experience – including waiting halls, queue time announcement, medical attendance, play area for children



Voter Slips for every voter delivered at residence before polling day



Poll hours extended to 11 hours

Facilitation - II



Polling day reminders through SMS and on Radio, Television and Public address systems



EVM familiarisation camps



Extensive Search facility for name on voter list - website, SMS, Helplines, locating PS on net



Enrolment forms at prominent places including Banks and Post Offices, Colleges etc

Mass Mobilization



Pledging to Vote

- Pledge letters issued through the school students to their families and collected back after signature of family members pledging to vote
- Pledge taking functions



Invitation to Vote

- Invitation letters to people to vote from senior election officials
- Invitation message in newspapers



Sporting Events

- Marathons, human chains, runs ...
- Bike Rallies, Kite Flying ...

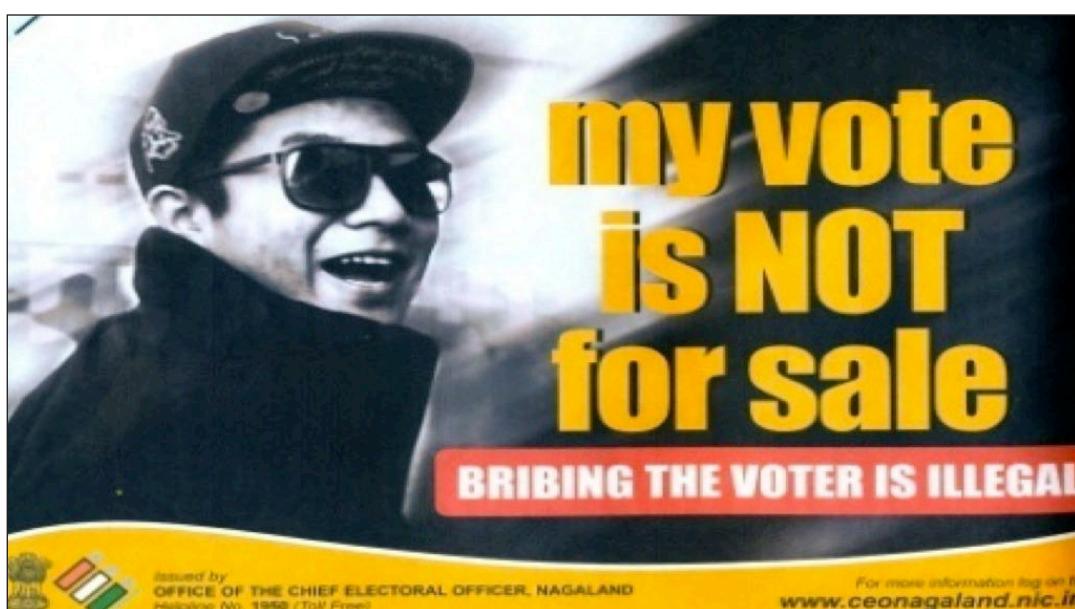


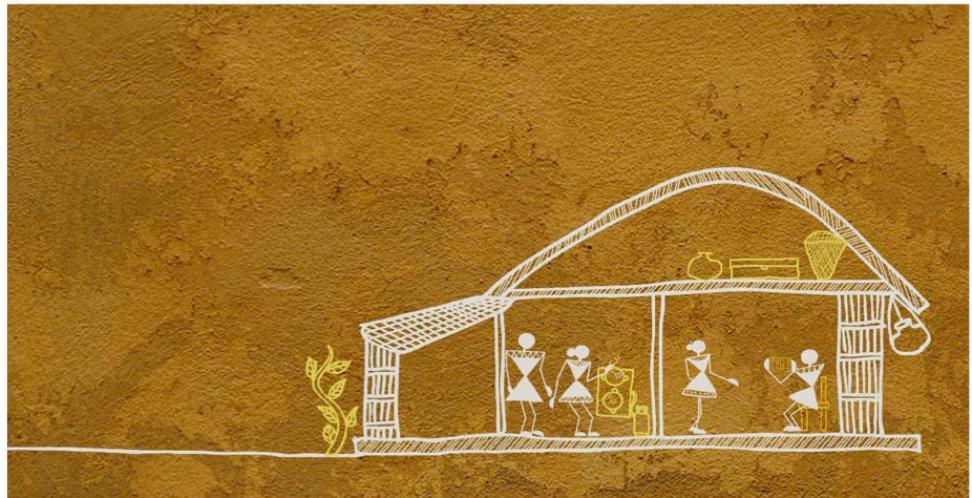
Competitions

- Folk Art competitions targeting rural women...
- Music concerts,
- drawing, debates, declamations,



MEDIA & COMMUNICATION





A film made using the Tribal Art 'Warli' for promoting ethical voting

Your Vote is invaluable
Don't let anyone put a price on it



Outcome I - New High in Participation

66.44%

- Highest ever turnout of in 2014 against 58.19% in 2009

554 million

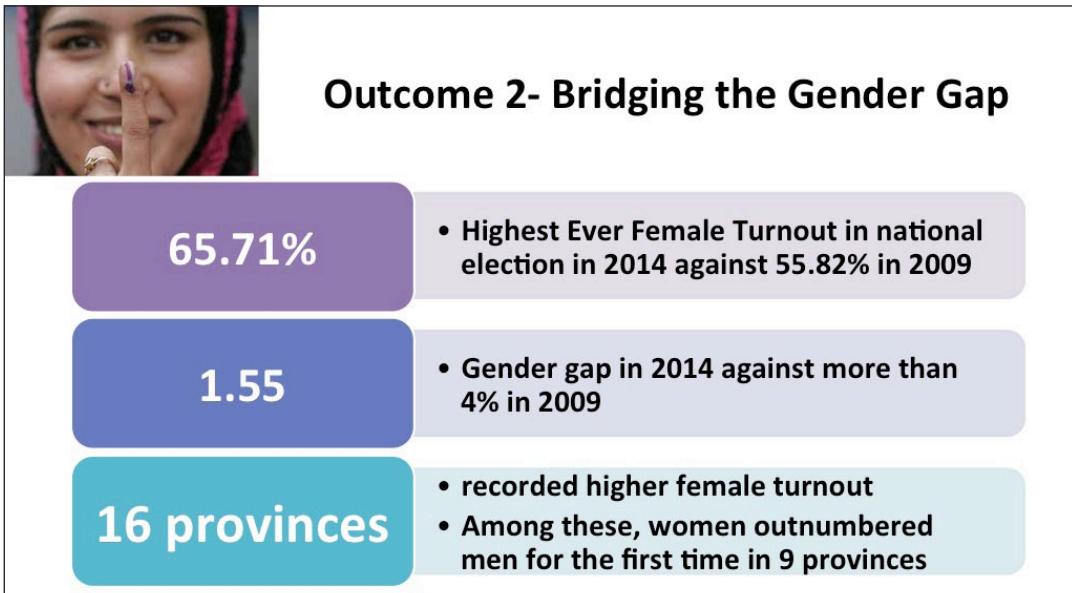
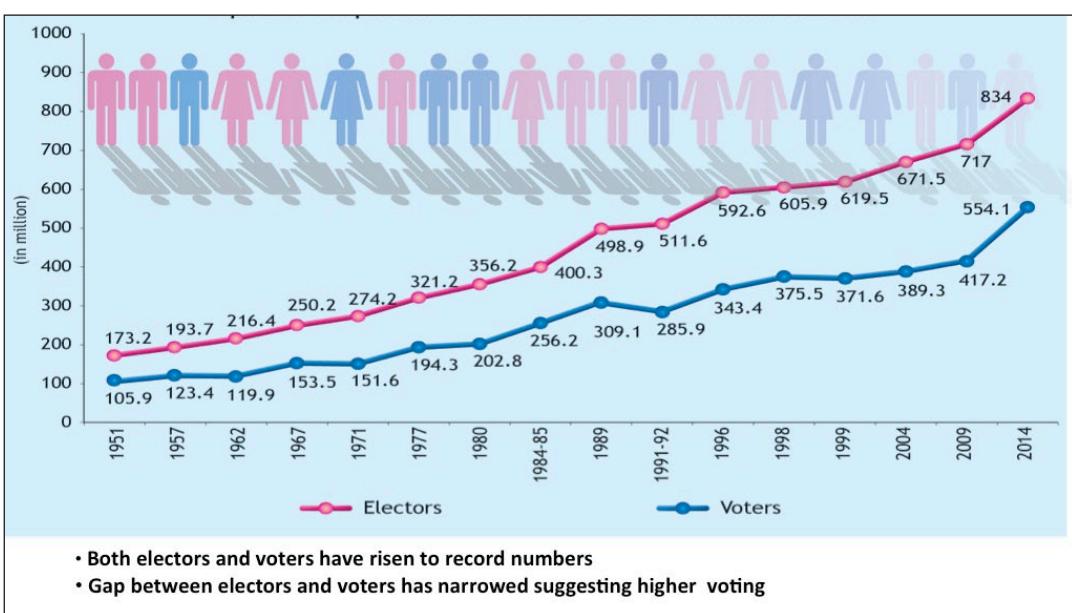
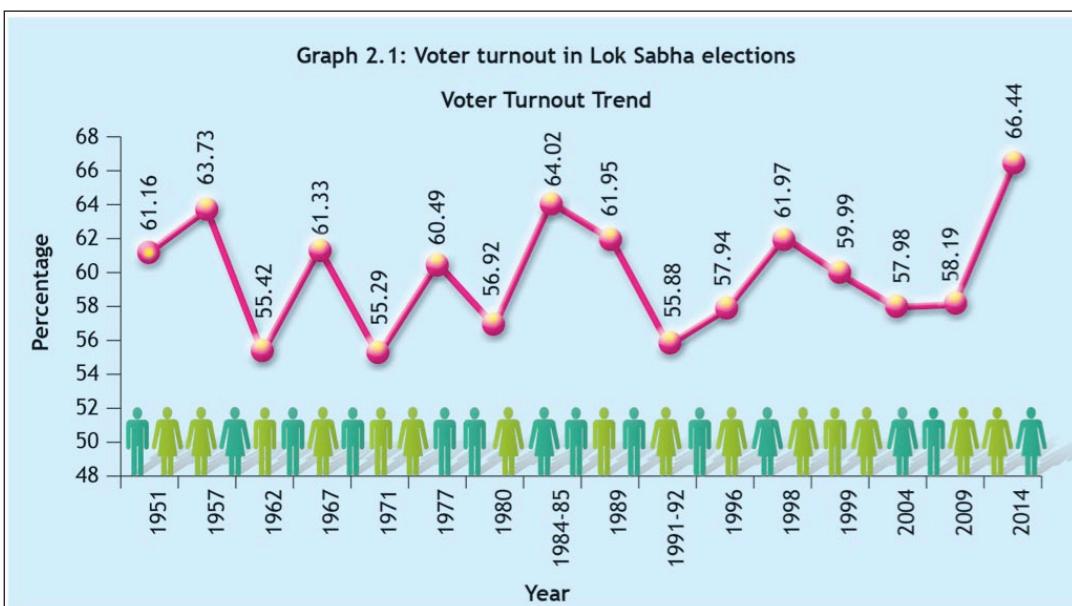
- Voted in 2014, compared with 414 million in 2009

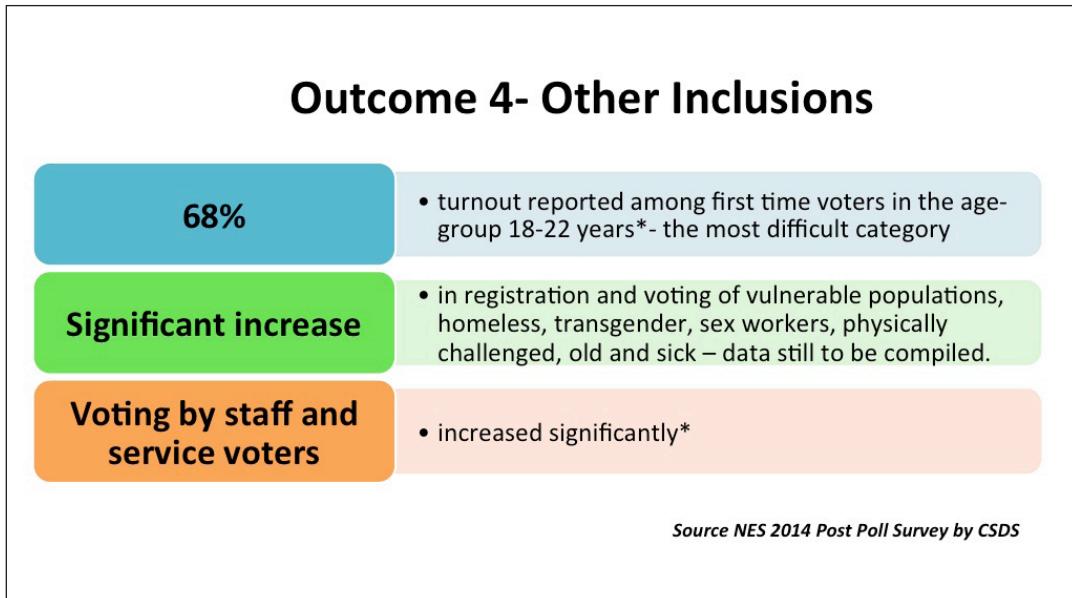
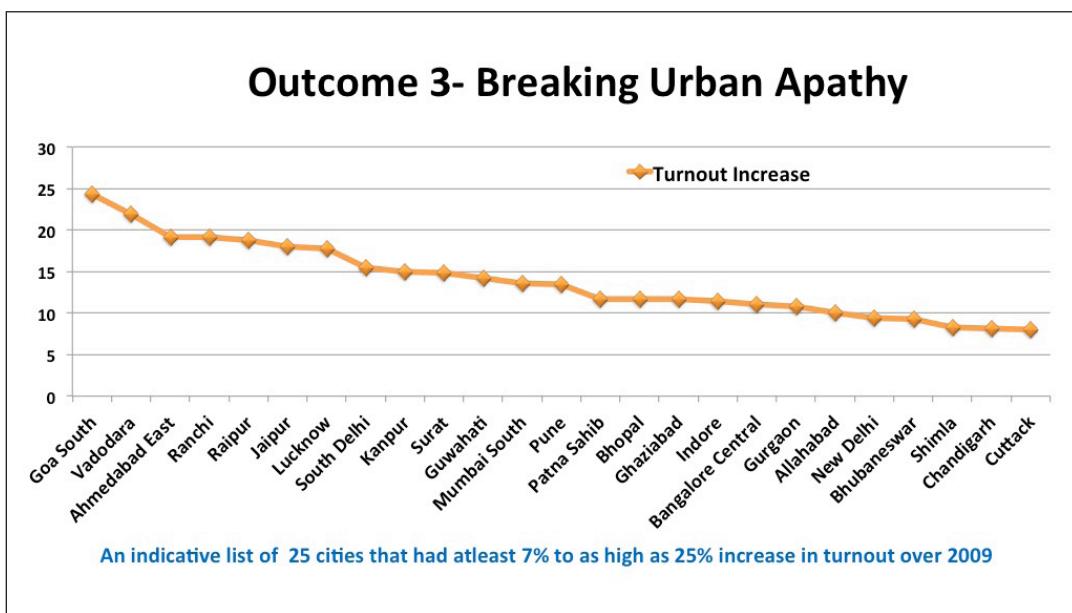
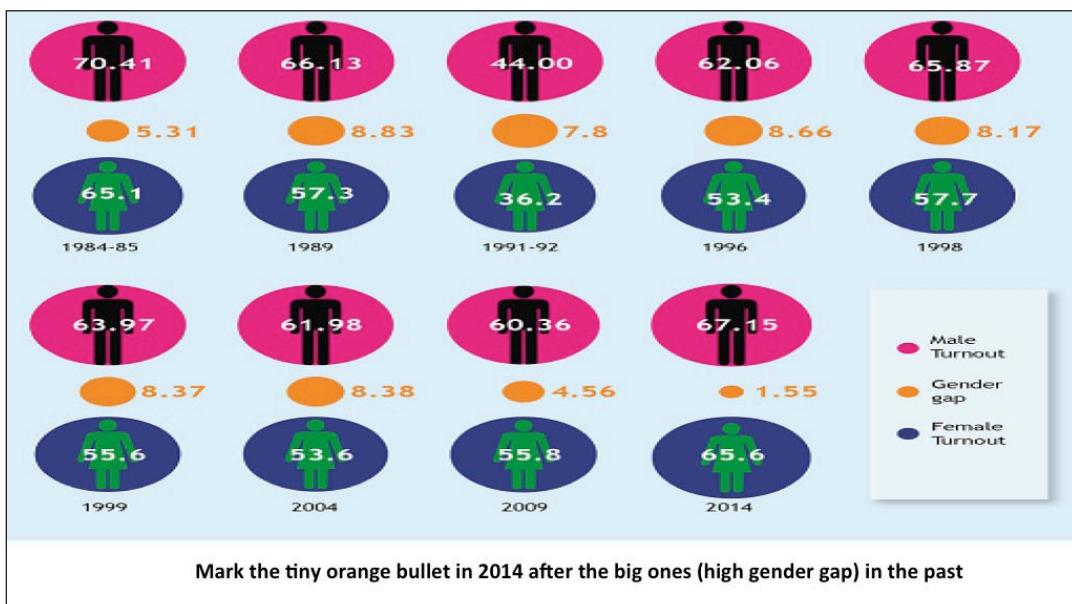
120 million

- more registered voters in 2014 compared to 2009 election

16 provinces

- have recorded highest ever turnout
- Almost all provinces have recorded higher turnout than 2009





Unique Stories of Inclusion



Women from Dadaal in Gujarat, who had never participated in elections due to socio-cultural reasons voted for the first time ever since the independence of the country in post SVEEP Assembly elections in 2013.

After efforts for SVEEP, two members of the Shompen tribe of Great Nicobar, considered to be one of the last surviving stone-age tribes, voted for the first time in Lok Sabha elections 2014.

SVEEP through its facilitation measures ensured that every voter gets to exercise their franchise, as polling stations were created for a single household in Serdanand in Chhattisgarh and even a single voter in Gir, Gujarat.

Despite difficult terrain and security issues, Jammu & Kashmir had a record turnout of 49.72% in Lok Sabha elections 2014, a significant increase of 10.05% over 2009, due to exhaustive SVEEP programme in the State.

SVEEP Learnings- I

Comprehensive management intervention (scientific and targeted) a necessity for increasing voter participation (irrespective of political factors)

General awareness does not lead to behaviour change; Electoral participation action comes through contact, persuasion, counselling, removal of handicaps, Awareness need to be linked to freedom from intimidation

Media is a force multiplier
It creates enabling environment
Inspirational personalities are effective motivators

Next levels of incremental increase will be tougher- would require higher innovation

35

SVEEP Learnings- II

EMBs need to constantly introspect on the friendliness or otherwise of the services to citizens

Facilitation needs to improve in the South Asian context where voters are very large and living standards low

Communities in South Asia are remarkably heterogeneous; at the same time there could be homogenous situations between different countries. Hence, research should precede replication.

Communication products are expensive, hence archive building, sharing and replication of practices are important

Cementing the Future -I

SVEEP III already being developed based on learnings

The 33% missing voters, about 45% newly eligible youth missing on the Electoral Roll, gender gap in certain areas, citizens' difficulty in voting are on the radar of SVEEP

The challenge of 'participation crawl' in higher turnout states will be studiously addressed

Country-wide ownership and institutionalisation being nurtured through training and capacity development exercises

Assured funding and sustained collaboration mechanisms are being put in place

There will always be a close watch on political neutrality of SVEEP programme

Cementing the Future -II

Internal migration and non-resident voting to be seriously addressed

Model Polling Stations are being further standardised and expanded

IT will be integrated with SVEEP programme; use of social media will be optimised

Research and survey in voter participation will be more detailed and accurate

Electoral literacy being built into School curriculum along with pan-India learning tools

Adult Literacy Workers to impart electoral literacy in to rural women in mission mode

Edutainment material developed in collaboration with UNDP for mass dissemination kits



ECI ready to share experience, learnings and SVEEP resources with sister EMBs in South Asia



We have a national list of SVEEP resource persons who can support voter education and electoral participation measures if any EMB from South Asia wishes



IIIDEM – elaborate training facilities including a very special module on SVEEP



Courses being taken up both on bilateral and multi-lateral basis

Sharing with FEMBOSA

- *SVEEP is the alternative to 'Compulsory Voting'*
- Dr S Y Quraishi, Former CEC, ECI
- *Compulsory voting? Make a clean SVEEP of it*
– Hindustan Times, Leading Indian Daily

Thank You

Annex 12 : Electoral Reform- Use of ICT in Elections Management (Discussion Paper by Maldives)

USE OF ICT IN ELECTIONS MANAGEMENT

Introduction

In making this Elections Commission (EC) intended to develop an Election Management System (hereafter referred as EMS) for modernizing the office of the secretariat of the elections commission and the electoral process by progressively integrating appropriate technology in all areas from electoral registration to declaration of results. Besides increasing the efficiency of the election process, the EMS is also intended for minimizing human intervention, and increase transparency and accountability in the administration of the office of the secretariat of the elections commission and electoral process.

This has shown the efficiency when compared to the elections conducted from 2008 still now, electorates waited less time in at the queue to cast their votes. They know where they are registered easily through their mobile phones by sending a SMS. The quires that's been logged at 1414 , hot line has been reduced with the new information published on the web site.

This software is been developed using a modular approach, with the most critical modules being prioritized in to build first.

Project Description

Management and administration of elections EMS is designed to provide a computer web based solution for the following areas of elections commission.

- Election calendar
 - A general interface showing the timeline of the election process
- Voter Registration and re-registration
 - Voter registry data entry and modification with proper data change auditing and workflow
 - Generation of voter's list
 - Generation of voter's statistics
- Constituencies and ballot box creation.
 - Easily creates constituencies and ballot box for elections
 - Assign constituencies and blocks to a specific ballot box
 - Printing of all documents needed for the ballot box
 - Check list for each ballot box
 - View of the schedule
- Result processing
 - Authentication and entry of temporary results directly from ballot stations, and sending results to main headquarters
 - The progress of results as being received
 - The preliminary results

- 1414 hotline module to facilitate answering calls more efficiently and with accurate information. This module will also allow various division of the EC to easily disseminate timely information to the 1414 hotline staff.
- A Candidate registration tool to handle the process of registration of candidates participating in an election.
- Political party registry module to maintain the political party member ship registry
- A real-time ballot progress

OVERALL PROJECT GOALS

- To develop a computer based infrastructure to automate elections related tasks.
- To develop a set of supportive software to sustain the collaborative work with the Election commission.
- To develop a tool to help increase reliability and decrease error in electoral registry
- To develop a set of efficient tools for election coordination task.
- To develop an effective candidate management system.
- To develop and enhance existing result processing system and minimized the result processing time.
- To develop effective way to manage elections complaints
- To develop a medium to manage and trace election officials.
- To develop a real-time ballot progress reporting system.
- To develop an effective elections hotline information portal.
- To develop an effective political party registry management tool.

EMS FUNCTIONS

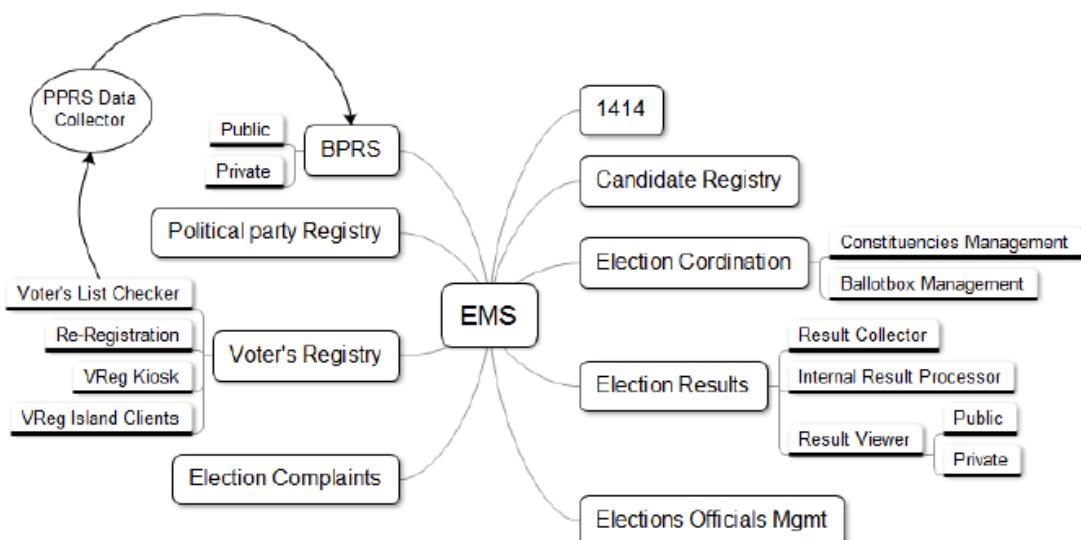
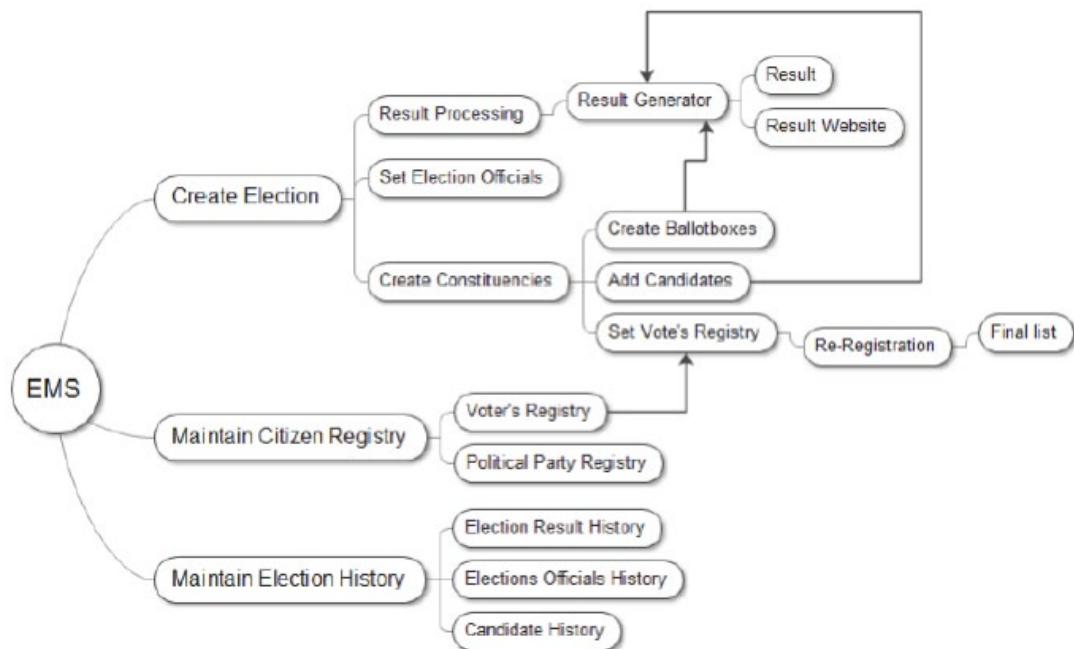
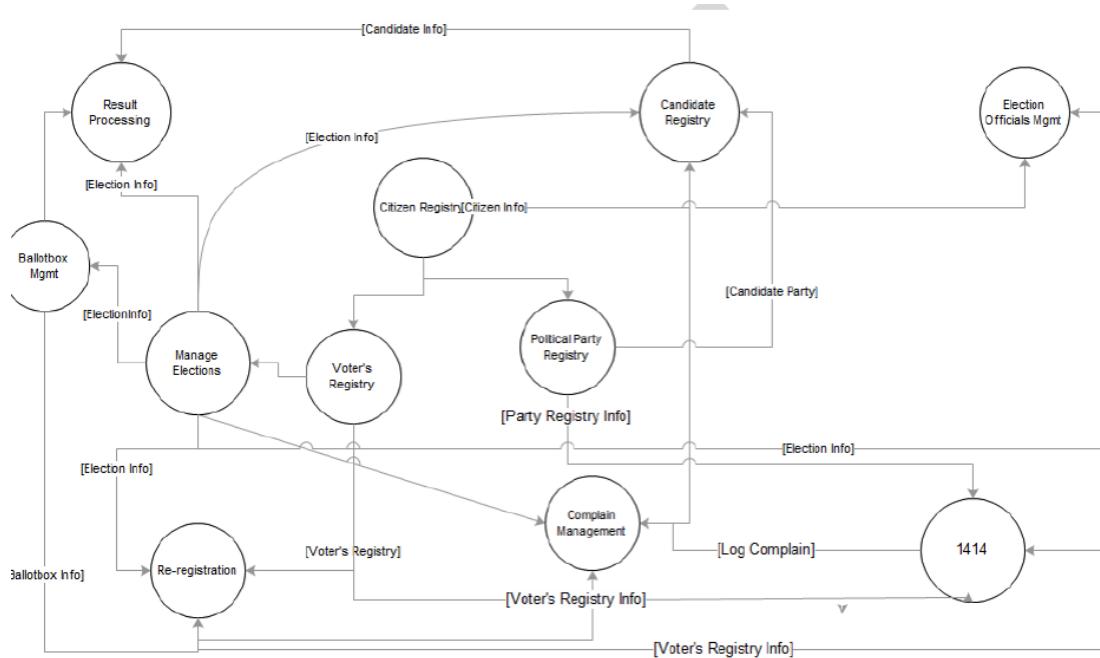


DIAGRAM 1 EMS MAIN MODULES (FUNCTIONS)

EMS - WORKFLOW



EMS - INFORMATION FLOW



EMS GOALS AND DELIVERABLES

GOAL 1: VOTER'S REGISTRY

- Maintain, change and update voter's registry
- Strengthen the voters' registry security
- Provide electorate registry information to other modules
- Provide filterable tools (Constituencies, Ballot box, Island, atoll etc...) for list generating.
- Provide list checking tools.
- Provide easy and hassle free re-registration tools
- Provide electoral demographic based statistics.
- Provide remote tools for updating and flagging registry issues at island level.
- Complaints submission portal
- Registration portal

GOAL 2: ELECTION CORDINATION

- Provide tools to initialize an election.
- Provide tools to manage constituencies for an election.
- Provides tools to manage ballot boxes for an election.
- Provides tools to manage and update election schedule.
- Provide tools to digitally collect information at the ballot station for "Kan hingaa dhiya gothuge report"

GOAL 3: CANDIDATE, ETC... MANAGEMENT

- Provide tools manage candidate records for an election.
- Provide tools manage observers, candidates representatives records for an election.
- Provide tools manage monitors records for an election.
- Provide tools to generate candidate, monitors, observers, candidates representatives based reports.
- Provide tools to manage candidate, monitors, observers, candidates representatives related tasks.
- Manage candidate, monitors, observers, candidates representatives history.
- A portal for candidates, monitors, observers, candidates representatives to submit their applications.

GOAL 4: ELECTION RESULTS

- Provide balloting station level tools to gather and send results.
- Provide tools to verify and recheck results.

- Provide tools to update results.
- Provide tools to generate result sheets.
- Provide web based tools to share results with stakeholders.
- Provide web based tools for monitoring result.
- Maintain result history for previous elections
- Generate result related statistics

GOAL 5: ELECTION COMPLAINTS

- Provide tools for elections officials to log election complaints.
- A portal for stakeholders to submit complaints on election
- Provide tools to generate reports on election complaints
- Provide information for elections complaints staff.
- Maintain history of election complaints
- Provide tools for monitoring logged complaints.
- Generate complaints related statistics

GOAL 6: ELECTION OFFICIALS MANAGEMENT

- Provide tools for managing human resource of elections.
- Provide tools to maintain personal records of people hired for election process.
- Provide tools to create HR related documents.
- Provide tools to generate reports and statistics.
- Provide tools for monitoring officials performance.

GOAL 7: BALLOT PROGRESS REPORTING SYSTEM

- Provide tools to gather real-time voting status from remote balloting stations
- Provide web interface of statistical data related to balloting.
- Maintain balloting history of elections.
- Generate reports.

GOAL 8: ELECTIONS HOTLINE

- Provide tools for logging quires to elections hotline.
- Gather information from relevant sources and make it available for 1414 queries.
- Maintain history of 1414 events.
- Provide a monitoring tool for elections hotline.
- Generate statistical reports.

GOAL 9: POLITICAL PARTY REGISTRY

- Provide tools for maintaining, updating and keeping logs of political party membership registry.
- Provides tools to maintain history of political party registry.
- Provide tools for submission of political party membership forms.
- Provide tools for submission of political party membership registry complaints.
- Generates reports.

ANTICIPATED BENEFITS

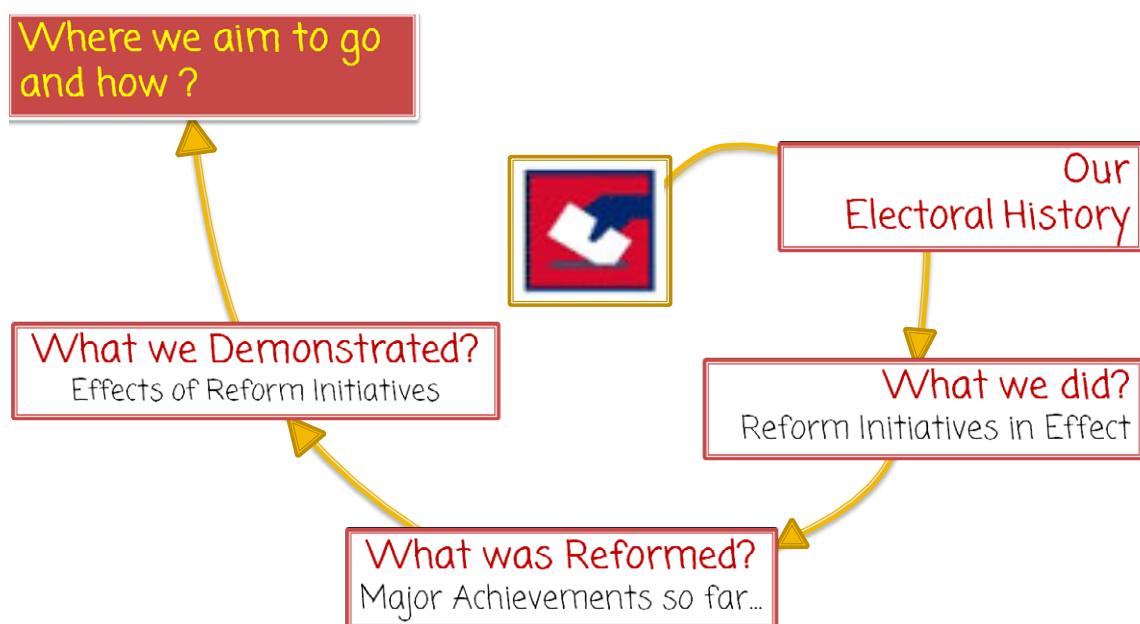
This project anticipated to:

- Facilitate in managing candidates, monitors, candidate's representative, observers for an election and also provide their history for previous elections.
- Improve candidate, monitors, candidate's representative, and observers based statistics.
- Improve management of voter's registry.
- Make re-registration process more accessible to electorates.
- Improve efficiency of voter identification at ballot station.
- Improve security of electorates' registry.
- Improve re-registration process with tools of tracing update events and logging every task.
- Improve efficiency of elections hotline service.
- Improve and enhance the political party registry with traceable history and event logging.
- Minimize result processing time.
- Provide executive level interface to be updated with all the election tasks and its progress

Annex 13 : Electoral Reform in Nepal - A Trajectory (Discussion Paper by Nepal)

ELECTORAL REFORMS IN NEPAL: A TRAJECTORY

-Dr. Rambhakta P.B. Thakur, Election Commissioner, Nepal



INTRODUCTION

Election is a formal and organized process by which a population makes decisions of choosing their representative(s) to hold public position(s). This could also mean a process of accepting or rejecting a political proposition by voting. People as stakeholders of democracy are subject to the authority of elected leadership and, therefore, can claim to share direct control over them as well as the governance process through elections. Thus, free and fair electoral process is crucial to bring the governance closer to the electors. Each country encompasses its electoral management mechanism in line with the functional requirement of the nation.

Elections are the indispensable marker of the progress of democracy throughout the world. An election reveals the weight of public opinions; facilitates broad based representation of social, economic and political concerns of people; and provides legitimacy to the governance process.

Through a tough political unrest resulting to frequent change of governments, Nepal has yet to work hard for political stability. Since the restoration of multiparty democracy, the Nepali electorates have exercised their political choice in national level elections (including Constituent Assembly elections) eight times. Currently, the elected Constituent Assembly representatives are putting their efforts to formulate a new constitution of the country for the second time.

In line with the changing political and social scenario, electoral reform initiatives are being incessantly undertaken in Nepal in order to ensure that it promotes inclusive, participative, responsive as well as transparent governance system; and provide the people with a sense of citizenship notwithstanding their caste, class, gender, ethnic, geographic origins and other primordial entities.

BRIEF ELECTORAL HISTORY OF NEPAL

Elections Upto 2008

The first democratic election for national Parliament in Nepal's history took place on February 18, 1959. Nepali Congress (NC) won 74 of 109 seats. 44 percent of electorate voted in this first election. B.P Koirala became the elected first Prime Minister (PM) of Nepal on May 27, 1959. On December 16, 1962 a new Panchayat Constitution written by a group of experts was promulgated. During the Panchayat period Member of Parliaments (MPs) were elected indirectly. This electoral arrangement remained intact until 1981.

After a mass public protest against Panchayat system, the King announced to hold a referendum to allow people to choose between Panchayat system and multi-party system. In the referendum (the second election) held on May 2, 1980, Panchayat system won with 54.7 percent of votes. Voter turnout was 66 percent of eligible voters.

The third election held on May 9, 1981 elected 112 members of Rastriya Panchayat - 28 were nominated by the King. Since major political parties boycotted the election, the voter turnout was only about 52 percent.

The fourth election was held on May 12, 1986 again for 112 members of Rastriya Panchayat. Officially, the voter turnout was about 60 percent. The Panchayat era came to an end in 1990. An interim government was formed on April 19, 1990. That government constituted a 9-person Committee to draft a Constitution, and the Constitution was promulgated by King Birendra on November 9, 1990.

On May 12, 1991 election (the Fifth Election) for 205 member lower house of the Parliament was held. The voter turnout was about 65 percent.

On November 15, 1994 a mid-term election (sixth election) took place. Amidst the inter-political party and intra-political party conflicts and several turnovers of the governments, on February 13, the Maoists launched the "People's War" with attacks on police stations of several districts.

On May 3 and May 17, 1999, General elections (seventh election) were held in two stages. On June 1, 2001 there was a Royal Massacre. Gynendra Shah, who was out-of-town during the massacre ascended the throne on June 4, 2001. Seven major political parties and Maoists shook hands against the king. On August 24 the King succumbed and re-instated the Parliament. An Interim Constitution was promulgated and it set the provision for Constituent Assembly (CA) elections to promulgate a constitution through people's representatives.

On April 10, 2008, the first Constituent Assembly Election (eighth elections) was held. About 60 percent of eligible voters participated. The assembly had a deadline of 2 years to promulgate the new Constitution. However, the CA could not deliver the Constitution as

expected and was dissolved on May 27, 2012.

The 'Next' Constituent Assembly Election

In a state of political uncertainty, next CA election was scheduled for November 22, 2012. However, owing to lack of consensus among the major political actors, the election could not take place on the scheduled date. The country was again forced to stumble in political chaos. In the meantime, as an effort to bring the country out of such prolonged transition, the Presidential decree was issued and an interim electoral government was formed headed by the incumbent Chief Justice. Also, political parties made a decision to hold next CA election by mid-June 2013. However, due to vacant posts of Election Commissioners, the election could not take place in June. The interim government, immediately after its formation, prompted the process of appointing the Chief Election Commissioner and other commissioners. The Interim Government on June 15, 2013, made a decision to hold next CA election on November 19, 2013. The elections were accomplished in free, fair and credible manner with historically highest voter turnout. Of the total eligible voters, 78% voters casted their votes and 95% votes were valid.

REFORM INITIATIVES IN EFFECT

The Constitution of Nepal mandates The Election Commission, Nepal (ECN) with the overall responsibility of conducting, supervising, directing and controlling elections in the country in free and fair manner and achieving a credible result.

In course of fulfilling the constitutional mandate, the commission implemented a strategic reform plan for the period 2009-2013. The plan incorporated the following reform-targets.

1. Reform targets on the electoral system and election process

- Contribute to the Constitution-making process.
- Reform the electoral legal framework and organizational structure to allow the Commission to hold free and fair elections.
- Formulate a consolidated legal framework incorporating basic electoral norms and standards.
- Delimit the maximum distance between a voter and a polling station to five kilometers and limit the processing time for voting (vote cycle) to three minutes (time taken from verifying a voter eligibility to casting a vote).
- Use Electronic Voting Machines (EVM) for polling.
- Introduce Braille script on the ballot papers in at least five constituencies on a trial basis.
- Provide for accessibility of wheel chairs for the handicapped in at least one polling center per constituency if geographically feasible.
- Encourage inclusiveness in electoral management practices and structures.
- Conduct a feasibility study on out-of-country, pre-voting and absentee voting.
- Introduce Voter Identification Card with photograph.
- Conduct a feasibility study on voting for permanent and temporary residents.
- Devise an appropriate mechanism for monitoring the campaign expenses and its actual implementation.
- Develop an effective mechanism to improve the quality of the domestic election observation.

2. Reform targets for the Electoral Rolls

- Make the local electoral bodies responsible for collecting and updating the electoral rolls.
- Start the process of preparing the electoral register to include the voter photograph.
- Increase the accuracy of the electoral register to more than 95 percent.
- Update the electoral register throughout the year, closing it only for the 75 days before election-day.

3. Reform targets on Voter Awareness

- Launch the voter education program on a regular basis and not just during the election process to reach out at least 95 % of the voters.
- Conduct voter education programs in 17 different languages and sign language.
- Endeavor to achieve a two-thirds voters' turnout..

4. Reform targets for Human Resource Development

- Provide for basic training on election management to all employees of the Election Commission.
- Involve at least 10 percent of the employees in training, study program, research and observation related to election management, in or outside the country on a yearly basis.
- Allocate 20 percent of the total amount of salary for training purposes.
- Conduct a feasibility study on the formation of an election management core team in the Commission.
- Manage elections in 200 polling centers using, on a trial basis, staff directly recruited by the Commission.

5. Reform targets in Electoral Management

- Decentralize the preparation of the electoral register to the local level.
- Limit the preparation period for the elections to 90 days.
- Decentralize procurement and management of election materials to the local level except highly sensitive items.
- Entrust responsibility for determining the location of polling stations and the development of minimum infrastructure to the local level.
- Initiate a policy of managing elections through the local level offices of the Commission.
- Keep information of all the polling stations in the Geographic Information System (GIS) and at the district level.

6. Reform targets for Information Technology Advancement

- Make information technology accessible to all employees in the Commission and its field offices.
- Link the Commission and its field offices through an Information and Communication Technology (ICT) network.
- Install management information systems in the Commission and its field offices.

- Provide updated election information on the Internet.
- Replace the existing voter registration system with a new Registration System.

7. Reform targets in Physical Infrastructure Development

- Establish election resource centers in strategic locations.
- Construct warehouses and office buildings in strategic locations.
- Acquire land for ten additional local offices..

8. Reform targets in Effective Stakeholder-Collaboration

- Establish a permanent mechanism at central and local levels for regular interaction with the stakeholders.
- Establish and operate an election information center along with a library.
- Collaborate with the political parties for their institutional strengthening.

9. Reform targets in Research and Development

- Conduct a study and analysis of important issues such as voters' participation, voter education, campaign expenses, code of conduct and training, election observation, and election management during the Constituent Assembly election.
- Provide a research facility in the election information center for studies and research.
- Develop indicators of core election activities through various studies.
- Disseminate information about the Commission's ongoing activities through quarterly bulletins and publish election related journals.

10. Reform targets in Monitoring and Evaluation System

- Develop a monitoring and evaluation system with indicators.
- Implement the developed monitoring and evaluation system.
- Carry out mid-term and final evaluation of the Strategic Plan.

MAJOR ACHIEVEMENTS SO FAR

Electoral System and Election Process

- Election Commission, Nepal (ECN) has contributed to the Constitution-making process by providing recommendations with options of electoral systems to be adopted at several level of future federal structure of the country.
- The organizational structure of ECN has been improved to achieve better managerial and operational efficiency. Five District Election Offices located at regional headquarters have been developed as regional resource center. IT Division, Law Section, Statistics and Survey Section, Electoral Education & Information Center and Electoral Risk Management Unit have been newly set-up within ECN structure.
- In most of the polling locations, the maximum distance for a voter to reach a polling station is five kilometers. With this, the processing time of voting (vote cycle) for a voter has been limited to less than three minutes (time taken from verifying voter eligibility to casting vote).

- In order to facilitate use of Electronic Voting Machines (EVM) in future elections, orientation programs on the use of EVMs has been carried out throughout the country in participation of voters, political parties and other local stakeholders.
- Construction of ramps in 49 Polling Centers of 15 districts has been completed in order to facilitate handicapped voters to the polling center. ECN promoted policy of inclusiveness by appointing women voter education volunteers throughout country. Considering the importance of out-of-country voting, ECN has been conducting several interaction programs inside and outside the country. Several ECN delegates (in a commissioner's leadership) were assigned to visit USA, UK, Belgium and some gulf countries in order to collect opinions of Nepalese living there and report the finding.
- In order to improve the quality of the domestic election observation, legal and procedural measures were taken. Observation policy, procedures and code-of-conducts have been implemented. Observation committee has been formed under coordination of a commissioner.

Electoral Rolls

- ECN collected and maintained electronic database of the electoral roll with photograph and biometric data. It was implemented successfully during the CA Election, 2013. Color Voter Identification Cards with photographs were issued to all voters in the election.
- With the electronic biometric voter-list, ECN claims more than 95% accuracy of the electoral rolls. This electoral register (electronic database) is being periodically updated throughout the year.

Better Voter Awareness

- ECN successfully launched voter education program throughout the country on a regular basis. The programs were conducted in 28 different languages to reach out at least 95 % of the total voters.
- As a result of systematic and targeted voter awareness programs, ECN could historically achieve 78.30% and 79.82% voter turnout in FPTP and PR elections respectively.

Human Resource Development

- ECN provided training to 'all' employees of the ECN and their knowledge, skills and attitude enhanced. Such trainings included contents such as Electoral Materials Management, Elections Management, both Administrative Aspects and Election Management.

Enhanced Electoral Management

- ECN has carried out electoral management activities in decentralized manner. The activities include collection and update of voter roll, procurement of election materials, polling station management, GIS system and so on.
- Despite current legal provision of 120 days' electoral preparation period, ECN has enhanced capability and feels competent enough to limit the preparation period to 90 days.

Integration of Information Technology

- ECN has maintained Geographic Information System (GIS) database of all the polling stations. The district level database is available in the concerned district and the

integrated database at the center.

- All district level offices have been equipped with sufficient electronic equipments such as laptops, desktop computers, GPS, Scanners, Printers etc and the employees are capable of using IT in their workplace. District offices have been connected with center through ICT networks and most of the administrative tasks are carried out electronically.
- ECN has maintained its website with regular updates and Email, Internet and Social media have been utilized in workplace productively.
- Voters-list has been maintained in an electronic database which is also available for a voter in ECN website to view the details and send correction/feedback to ECN.
- ECN has successfully piloted Electoral Result Information System for managing as well as SMS Tracking System in CA Election, 2013.

Physical Infrastructure Development

- ECN has established Electoral Resource Centers 5 districts located one in each development regions and constructed warehouses and office buildings for smooth functioning of the centers.
- ECN has established the Electoral Education and Information Center (EEIC) in its headquarters' premises. Developed as a model electoral information center in the SAARC region, the center includes facilities for interactive learning and training experiences, including a library supporting research works through physical and electronic resources.

Mainstreaming and Inclusion

- In order to facilitate the inclusion of women in the electoral system, a Gender Policy has been endorsed by the commission and put into effect. The commission is further backing this up with the establishment of Gender Unit in its structure.

Effective Collaboration with Stakeholders

- By establishing permanent mechanisms such as Joint Electoral Operation Center at central level and other committee structures at local level regular interaction apparatus with the stakeholders has been maintained. Coordination committees have been set-up at central level to coordinate with political parties, civil society, security sector agencies and other stakeholders on Security, Information, Code of Conduct, Media and other thematic area.

EFFECTS OF REFORM INITIATIVES IN CAE, 2013

Number of reform activities as stated above collectively made difference in the electoral management process of Nepal. No single reform activity like voter education or monitoring or SMS tracking system or GIS, or training of election managers or biometrics based voter registration or voter ID card or observer mobilization or coordination mechanisms like Joint Election Operation Centre or Media Center or any other single reform initiative, in isolation, could never have meaningful effect in achieving the historical success in CA Election. Dealing with each of the reform activity and planned program of reform agenda based on Strategic Plan, we could demonstrate the visible achievements. Some significant achievements are mentioned below:

-Accurate voter roll

With implementation of Biometric and Photograph based voter-list, ECN got historic success by achieving 95% accuracy in voter list in CAE, 2013. In the history of election in Nepal, we have historical records cleaning of error from VR, Voter cast ballot with proper identification guaranteed that voter has voted himself or herself.

-Efficient Electoral Management with Technology Integration

ECN was ambitious in introducing technology in most of the aspects of electoral management activities such voter/civic education, Party Registration, Voter List management, polling center management, polling team mobilization, vote counting, information sharing and result declaration of results. Such technology integration with overwhelming results certainly was a major contributing factor for credibility of the ECN.

-Election in Free and Fair environment

Despite the environment of political unrest, ECN could act collectively with security sector agencies, civil societies and other stakeholders so efficiently that CAE 2013 was accomplished in free and fair environment.

-Highest Turnout in the history

ECN achieved encouraging turnout in the electoral history of Nepal. This was the outcome of representative electoral system as well as representative electoral process. Moreover, Nepali electors' faith in election also increased due to the reforms such as distribution of voter ID card. This secured the citizens' fundamental right - right to vote.

-Increased Valid Votes

With the implementation of efficient voter education programs and improved coordination mechanism with civil societies at local level, voters awareness was significantly increased which contributed to increased valid votes along with high voter turnout.

-Credible Results

ECN conducted its electoral management activities in professional as well as transparent manner. The consequence was that ECN could win the faith of citizens, national stakeholders as well as the international community.

With such an overwhelming achievement from implementation of strategic reform agenda, ECN has now headed towards achieving excellence in electoral management. For this, we have still a lot to accomplish in making genuine elections for genuine representation. So, our future course of actions should be designed in such a way that we will be in a position to overcome all anomalies of electioneering and build full trust in the system and institution.

TOWARDS EXCELLENCE: REFORM PLANS FOR THE FUTURE

Nepal is at the crossroads amidst a major political transformation in its history. Through this, the country is departing from its unitary structure to federal structure. In line with this transition, ECN has to reshape its legal framework, organization structure, work procedure and collaboration mechanism. On top of it ECN desires to register every single living voter and let them vote in free and fair manner. With the future reform plans as stated below ECN is heading towards achieving excellence in electoral management and envisages becoming a model EMB in the globe.

The Vision

ECN shall strengthen itself as an independent, impartial and competent constitutional body which is capable of holding genuine democratic elections that reflect the free will of the people, and to contribute to the political cultural development of the country.

Guiding Principles

ECN envisions its work-culture being guided by the following principles:

Independence: ECN shall carry out its activities without any undue interference from the executive branch, political parties or other elite-mass with a diversity of interests..

Impartiality: Commission shall ensure that the conditions are set for the free expression of the will of the people with an impartial behavior by electoral authorities.

Inclusivity: ECN shall be fully guided by the principle of inclusion, internally in staff recruitment and externally in promoting inclusion in electoral and political process.

Transparency: The Commission shall be transparent in its entire operations, so as to appear transparent to the public eye.

Service orientation: The Commission and its offices at all levels provide prompt, easily accessible and hence effective electoral services.

Professional integrity: The Election Commission will maintain its professional competence by ensuring development of skilled, efficient, confident, motivated and professionally committed human resources.

Responsibility and accountability: ECN shall be responsible and accountable in implementation of its duties and shall report and show up on procedural matters and deliverances before the proper instances.

Participatory approach: ECN shall pursue participatory approach while devising electoral legislation and while delivering effective the electoral operations.

Credibility: ECN shall keep gaining recognition from the Nepali people and the international community as an institution of trust.

Cost-effectiveness: ECN shall keep constituting principle of good management and elections shall be conducted as cost-effective as possible by maximising the benefit/outcome from given costs.

Pro-activeness and innovation: The Commission will keep emphasising a pro-active and innovative approach with regard to institutional development, organisation structuring, and service delivery.

The Future Reforms

a. The Systems Reform

Reform in Electoral System:

Election commission shall provide expert advice to choose best electoral system for the

changed political context of Nepal. Appropriate electoral system shall be adopted in order to contribute to participation, transparency, responsibility and accountability in governance process.

Reform in Registration System

Sustainable Technology in Voter Registration

Sustainable technology shall be introduced in Voter Registration process for regular registration and update of electoral roll throughout the year so that EMB can be ready for any elections any time of the year. Online and real-time registration systems are the state-of-art technology. Planning and preparation for the use of appropriate technology from the very beginning of the electoral process shall be implemented.

Out of Country Voter Registration

Out of Country voter registration is not only an important demand of the citizen it is also the responsibility of the country and the ECN to bring all eligible voters into the electoral roll. For this, a continuous voter registration provisions within the country and also for all Nepal citizen living abroad shall be made. While making the decision of utilizing technology for overseas voter registration, appropriate arrangements for registering voters working in foreign lands who are not able to use the modern technology shall also be taken into consideration. In this process good practices of other countries, which have been exercising out of country voter registration, shall also be considered.

Reform in Polling and Counting System

Voter Identification Technology

Voter identification using modern technology shall be initiated. Possible verification of voters using the technology can be introduced with the proper planning where centralized database of the electors can be verified instantly at the polling level.

Identification of voters with biometric and photographs is a must in a country where permanent citizen identification system is still lacking.

Improved Technology in Polling

ECN will choose the right type of voting technology to replace its conventional paper voting system with the new technology - so as to manage and use it in a progressive, sustainable and acceptable manner. While making selections of such technology for voting, ECN shall take into account of the electoral systems that is being considered to be adopted by the country in exercising periodic elections.

Modern Technology in Counting and Declaration of Results

Use of modern technology in the elections is for producing vote count results efficiently for its credibility and acceptability. For counting and declaring results and also securing the records of the vote count, technologies that can maintain records electronically making them transparent to stakeholders, as well as maintaining hardcopy proof for verification of the published results as and when so required must be fulfilled. Vote counting at the polling locations also could be seriously thought because this could be more efficient and effective in many cases.

Adoption of Electoral Risk Management System

Risk Management Unit shall be established under ECN and shall be made fully functional

and resourceful. The unit shall help the Commission identifying risk factors and periodically suggest the prevention and/or mitigation measures.

b. The Legislative Reform

The authority, responsibility and accountability of the ECN shall be revised in line with the new constitutional and geo-political context. The independence of ECN as a constitutional body shall be enhanced. It shall have its own core staff, budget independence and sole regulation authority regarding political campaign finance and political party management. Integrated electoral code where the different pieces of current legislation relating to election shall be compiled and harmonized.

c. Institutional Reform

Structure of the ECN shall be restructured in the new constitutional context. The Commission shall go through structural reform depending of the form of federal structure and the type of government. The Functional relationship between the body of the Commissioners and the Secretariat, and between Secretariat and District Offices shall be made clearer.

d. Reform in Electoral Administration

ECN shall get arrangement of dedicated election-staff so as to retain the institutional memory and carry out electoral management activity in pre, during and post-electoral phases without interruption.

The polling locations will be standardized with similar arrangement of polling centers across the country. Through coordination with the government, all district offices shall acquire own land for construction of office buildings.

e. Voter and Civic Education

Voter education programs are conducted being based on need assessment depending on targets addressed in different sectors of society and regions. Awareness raising campaigns shall be launched focusing on the exercise of political rights at the time when Constitution is promulgated. Best efforts shall be made to include voter education as a topic in the secondary school curriculum.

f. Mainstreaming and Inclusion

The inclusion of women and minorities in the electoral system both as voters and candidates shall be ensured. Gender unit shall be created within ECN and women staff at all level shall be at least doubled. Political representation of Dalit, Janajati, Madhesi, and other communities shall be ensured and participation of people with disabilities in the electoral process shall be enhanced by removing regulatory obstacles if any.

SUMMARY

Elections are the indispensable marker of the progress of democracy throughout the world. An election reveals the weight of public opinions; facilitates broad based representation of social, economic and political concerns of people; and provides legitimacy to the governance process.

Nepal is moving through a tough political unrest and has to work hard for political stability. Since the restoration of multiparty democracy, the Nepali electorates have been exercising their political choice in several elections. Currently, the elected Constituent Assembly

representatives are putting their efforts to formulate a new constitution of the country.

In line with the changing political and social scenario, electoral reform initiatives are being incessantly undertaken in Nepal in order to ensure that it promotes inclusive, participative, responsive as well as transparent governance system.

The ECN implemented a strategic reform plan for the period 2009-2013 which incorporated several reform-targets. These include reform in electoral system, electoral rolls, voter awareness, electoral management, stakeholder collaboration etc. Dealing with each of the reform activity and planned program of reform agenda based on Strategic Plan, ECN could demonstrate the visible achievements.

With an overwhelming achievement from implementation of its strategic reform agenda, ECN is now heading towards achieving excellence in electoral management. For this, we have still a lot to accomplish in making better elections for genuine representation. Moreover, Nepal is departing from its unitary structure to federal structure. In line with this transition, ECN has to reshape its legal framework, organization structure, work procedure and collaboration mechanism. On top of it ECN desires to register every single living voter and let them vote in free and fair manner. So, our future course of actions should be designed in such a way that we will be in a position to overcome all anomalies of electioneering and build full trust in the system and institution.

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Annex 14 : Electoral Reforms: Technology Based Elections (Discussion Paper by Pakistan)

ELECTORAL REFORMS ON TECHNOLOGY BASED ELECTIONS

*Justice (R) Fazal-ur-Rahman,
Member Election Commission of Pakistan*

Mr. Chairman, worthy Participants, Ladies and Gentlemen

It gives me an immense pleasure to attend this distinguished forum. The invitation from the Election Commission of Nepal for this year's meeting afforded me this opportunity to be among some distinguished personalities who are leading election management bodies in neighboring countries. It is indeed a privilege to share my views with my colleagues on the topic of **"Electoral Reforms on Technology Based Elections"**.

The first decade of the 21st Century was considered as Information Age and the second decade is now been considered as Wireless and Transparency Age (easy access of accurate, credible, timely, instant and updated information to the public). The role of technology has changed the World. Today life without a cell phone, a laptop, or an Internet seems unthinkable. Technology has infiltrated in our daily life in so many ways that it's hard to remember entire generations found ways to reach others, stay up-to-date, and do their jobs without the technology innovations we take for granted. There are about 6.8 billion mobile users across the globe out of 7.1 billion total world's population.

I quote;

**The world is changing very fast. Big will not beat small anymore.
It will be the fast beating the slow. (Rupert Murdoch)**

Technology is essential to the conduct of modern elections. Technology is used at every stage of the election process, for compiling voters lists, drawing electoral boundaries, employing and training staff, printing ballots, conducting voter education campaigns and publishing election results. The appropriate application of technology to elections can increase administrative efficiency, reduce long-term costs and enhance political transparency. The rate of technological change is so fast that election management bodies (EMBs) must regularly reevaluate their use of technology to determine whether they should adopt new or updated technology to improve their performance.

Following are the principles that should be considered when choosing new electoral technology.

1. Technology should be implemented well in advance of an electoral event so that ample time may be set aside to research and field test every promising option available.
2. Technology should be legally supported to ensure that election administrators are empowered to use it and that results cannot be challenged due to an inadequate regulatory framework.
3. Technology should be operationally appropriate and compatible with the environment in which it will be used. For example, equipment must be able to withstand the climate

in which it will be used and stored.

4. Technology must be cost effective and clearly represent a better investment than other improvements available to the electoral process. When comparing the cost of ballot papers to voting machines, do not just consider the purchase price of the machine; consider the total cost of investment including training, voter education, storage and maintenance.
5. Technology must be sustainable, lasting many electoral cycles. This is a particular challenge as technology and standards develop very quickly.
6. Technology must be transparent and add to the integrity of the election. This is a particular challenge in light of the suspicion people have for high tech solutions that they can neither see nor properly understand.

Ladies & Gentlemen,

More than 87 million voters of 18 years plus are biometrically enabled citizen data in Pakistan registered in the Computerized Electoral Rolls database. The ECP has taken some radical steps for the introduction of modern technologies in the electoral processes to remove ambiguities and anomalies, which are as under.

- i) Computerized National Identity Card (CNIC) comprising 13 digit number had been mandatory under the law to register as a voter as well as for casting a vote on polling day. CNIC serves as unique identifier in the database to prevent the problem of double or multiple entries in the database of voter list. Fortunately, all these voters are properly authenticated using biometrics international system.
- ii) The Photographic Electoral Rolls were published first time in the history of Pakistan to uphold the transparency and prevent electoral fraud in the polling station. By using the photographic electoral rolls, presiding officers was capable enough to identify the voter as legitimate & valid voter on polling day. But due to privacy reason, the photographic electoral rolls were not shared with the political parties, civil society, general public and other stake holders. However, they had the access to text-based version of electoral rolls. Pakistan again nominated in the 9th International Symposium ICPS Awards 2014 on project of "Computerized Electoral Rolls" that will be held on 5th December, 2014 in Cape Town, South Africa.
- iii) Pakistan stands 7th in the World with mobile density 130 million users. Using this strength of the country, we made available the voter list of 87 million voters over 8300 SMS. Using this service, a voter can easily access and get exact polling station name, number, address and book number and serial in the list by sending 13 digital CNIC number at 8300 via SMS and obtain reply within 4 seconds. We received more than 60 million hits in one year which is itself a record. The world recognized this unique idea of SMS service and awarded Pakistan with International Award (use of innovative technologies) in Kuala Lumpur, Malaysia in an International Electoral Conference organized by International Centre for Parliamentary Studies (ICPS) on 4th December, 2013.
- iv) Broadcasted free SMS messages to 130 million mobile users across the country free of cost by directing Pakistan Telecommunication Authority (PTA). This technique of voter & civic education persuaded voters to cast his vote by checking their name in the voter's

list conveniently while sitting at home using 8300 SMS service.

- v) The pilot project on use of Biometric voters' authentication system will be implemented at the polling stations in anyone District.
- vi) Another important initiative has been taken by the ECP to introduce Electronic Voting Machine (EVM) to make the polling day process more efficient and accurate. The specifications and features of the EVM have been finalized and ECP is planning to test these machines in the pilot project. This system will give us automation of casting and counting of votes by using latest modern technologies.
- vii) To introduce Geographical Information System (GIS) for transparent delimitation of constituencies with demarcation of the electoral of National and Provincial Assemblies constituencies. This would be carried out using latest tools, applications and google maps as well. The GIS technology will enable ECP to prepare polling scheme in more appropriate and true graphical manner.

Ladies & Gentlemen,

The ECP intends to implement its 2nd Five Year Strategic Plan (2014-18) with more vigor and commitment in order to achieve the objectives it has set for itself while deriving strength from the success of the 1st Five Year Strategic Plan (2010-14). Certainly, there will be challenges but these will only make the ECP stronger to pursue the ideal of a role model organization in the country.

ECP Strategic Planning provides parameters to those who believe that change can be managed better by having a clear vision and mission supported with realistic targets and practical implementation methodologies. The best way of dealing with change and challenges is to anticipate them, preempt them and use them as a potential for development instead of reacting to situations and adopting short term and quick fix approaches.

The ECP defined its vision and mission at the time of formulating its first Five-Year Strategic Plan based on its status and roles given in Constitution of Pakistan. Election Commission is responsible to "organize and conduct the election and to make such arrangements as are necessary to ensure that the election is conducted honestly, justly, fairly and in accordance with law, and that corrupt practices are guarded against."

After successful implementation of the first strategic plan the ECP decided to move forward to put together second Five-Year Strategic Plan (2014-2018) to continue the reform process in a proactive manner and ultimately to strengthen the electoral processes in Pakistan using latest technologies. The need for reforms was also demonstrated during the post-election review process where all aspects were analyzed through a comprehensive methodology. The copies of our five Year Strategic Plans are available at ECP website.

"One machine can do the work of fifty ordinary men.
No machine can do the work of one extraordinary man."
[Elbert Hubbard]

Thank you. All the best.

Annex 15 : Media and Elections (Discussion Paper by Sri Lanka)

Media and Elections

**MAHINDA DESHPRIYA
COMMISSIONER OF ELECTIONS,
SRI LANKA**

Role of Media in Elections

- It is widely recognized that the media has a critical role to play during elections in facilitating participation by citizens and in enabling voters to make informed choices.

Media freedom vs equal opportunities

- Generally, around the world, there is a recognition that freedom of expression and political debate is fundamental to free, fair and genuine elections. Although an election can be declared free but not deemed fair when there is differential access by political parties to public media in particular where it lacks a level playing field.

Private Media and State Media

- There are quite a large number of Private media both print and electronic as well as state run media channels.
- The issue of controlling all these media channels arise during elections.

Statutory laws and Media Guidelines

- Guidelines to be observed by the Electronic and Print media in regard to broadcasting / telecasting / publishing of matters related to election are issued by the Commissioner of Elections, in order to create a level playing field .

Legal requirement

- Election Propaganda meetings of Political parties should not be held during the 48 hours before the date of poll in terms of the elections act It is vital that a period of silence prevails just before the date of poll to enable the voter to contemplate and consider the pros and cons of various policies announced and promises made by political parties and candidates during the election campaign.

Challenges encountered during the period of election.

State run media carrying out its activities while Private media stations owned by politicians or active supporters of political parties promote their views and beliefs.

Blatant biased news /defamation/ cartoons / caricatures create lack of trust in the election process and the results.

This has greatly damaged the image and the credibility of the activities relating to elections.

The print and the electronic media can be guided.. Yet Social media



Countless number cartoons in blogs ..social sites etc



Presidential polls on the card-news item
(CE getting ready)

Possible regulation of free political advertising, paid political advertising and editorial coverage in the broadcast and print media.

Should blatant bias in the print and electronic media be curtailed ?

Do private television channels have to adhere to principles of fair and balanced coverage, or does this obligation only rest upon public channels ?

How can this be enforced : through self-regulation and responsibility, or statutory regulation and subsequent control ?

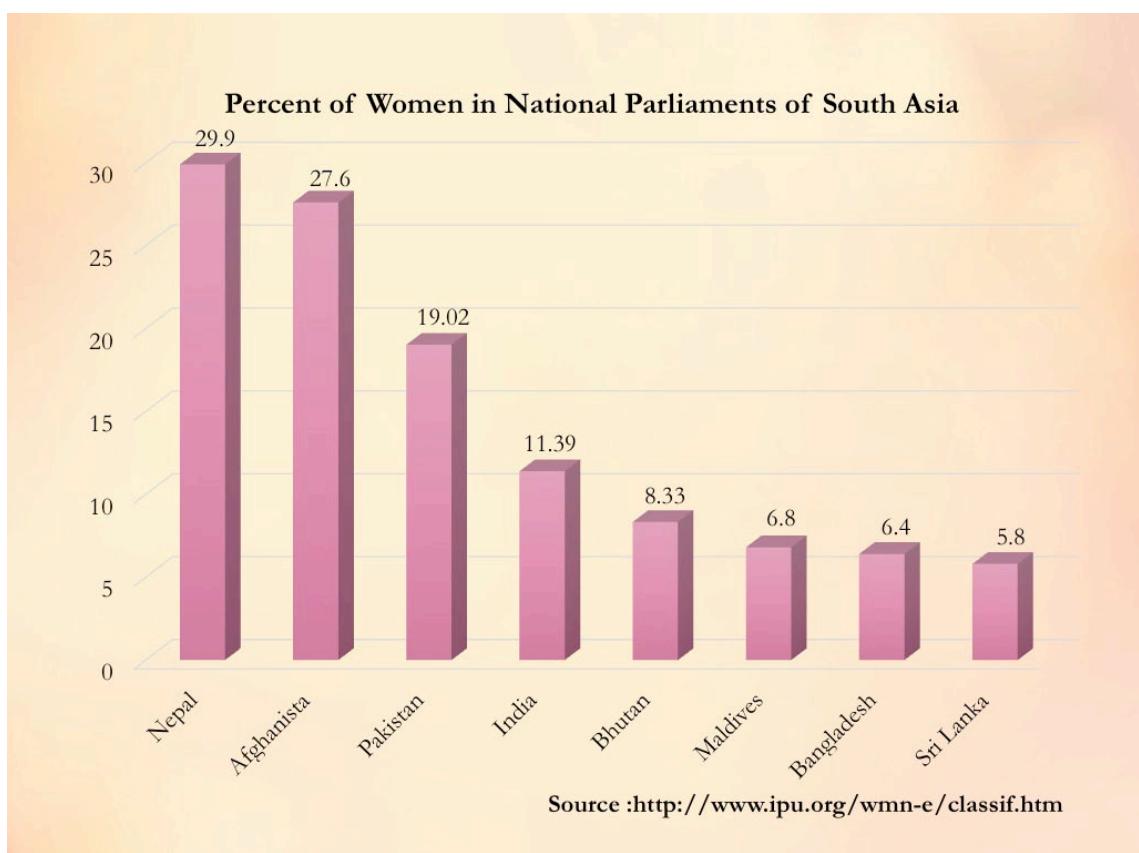
Which body should oversee all this ?

How can its independence be guaranteed ?

Can the Commissioner of Elections express or comment on the views of a politician / candidate ?

Finally, several other issues, such as the right of reply in election campaigns, the negative campaigning of some parties and candidates, the focus on opinion polls and horse race coverage (who's behind, who's in front), and the possibilities for campaign silence.

Annex 16 : Determinants of Voters' Choice and Women's Political Participation (Discussion Paper by Bhutan)

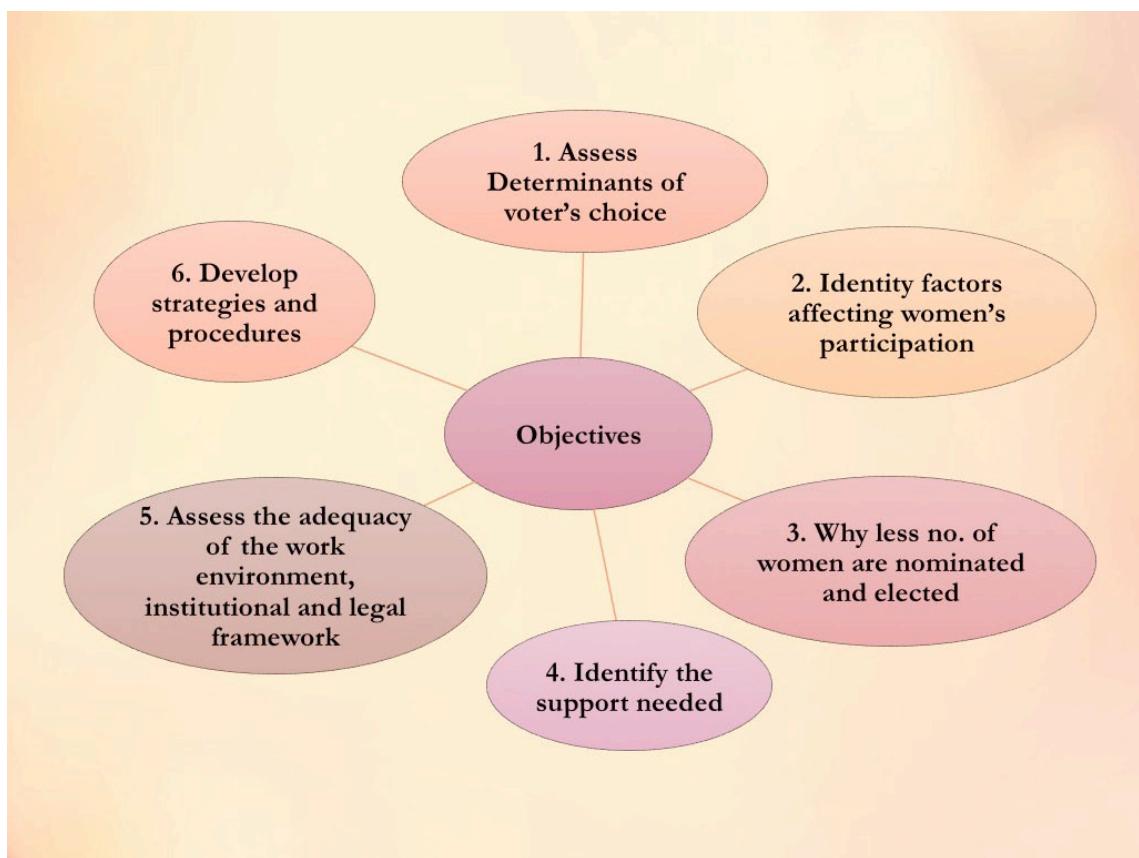


Introduction

1. Constitution and Electoral Laws of Bhutan are Gender Neutral
2. Women's political and electoral participation enhancement - 4th FEMBoSA Meeting Resolution
3. Understand the Determinants of Voter's Choice in Elections
4. Identify the factors and common problems
5. Explore ways to facilitate women's political participation

Overview

1. Introduction
2. Objectives
3. Methodology
4. Results & Findings
5. Conclusion

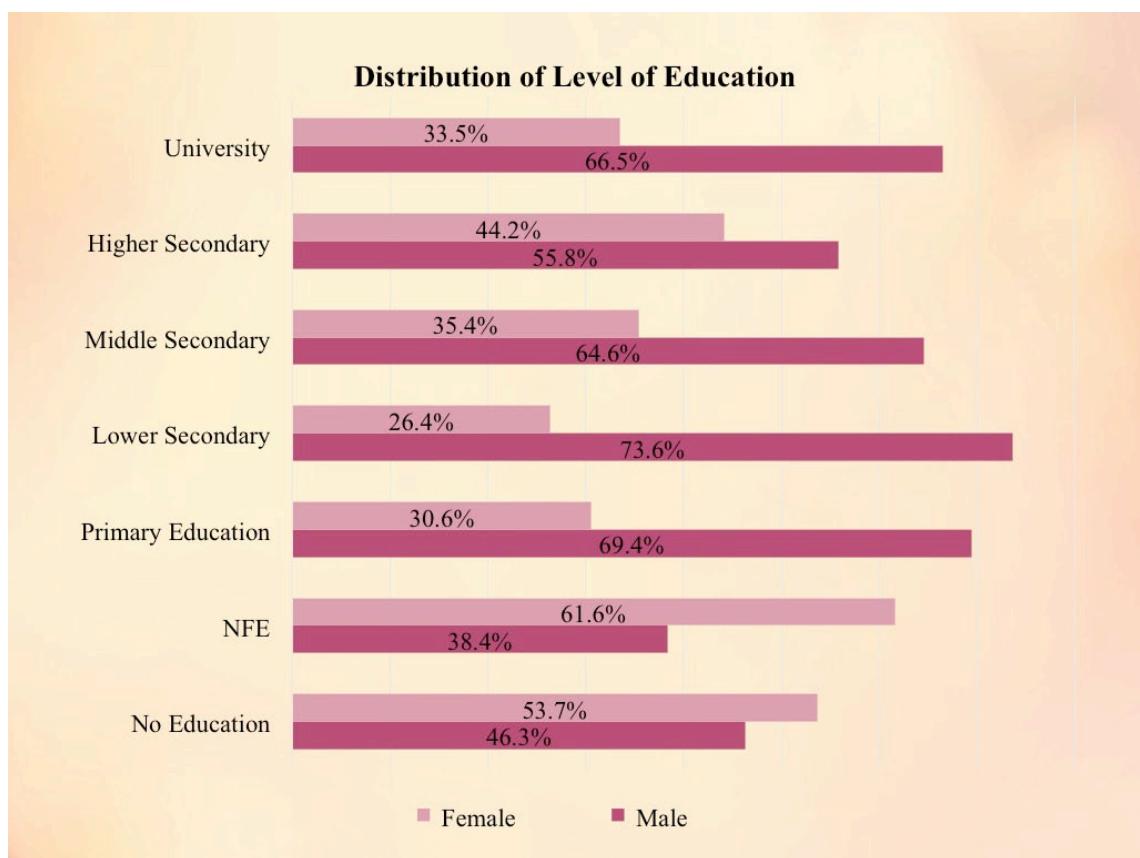
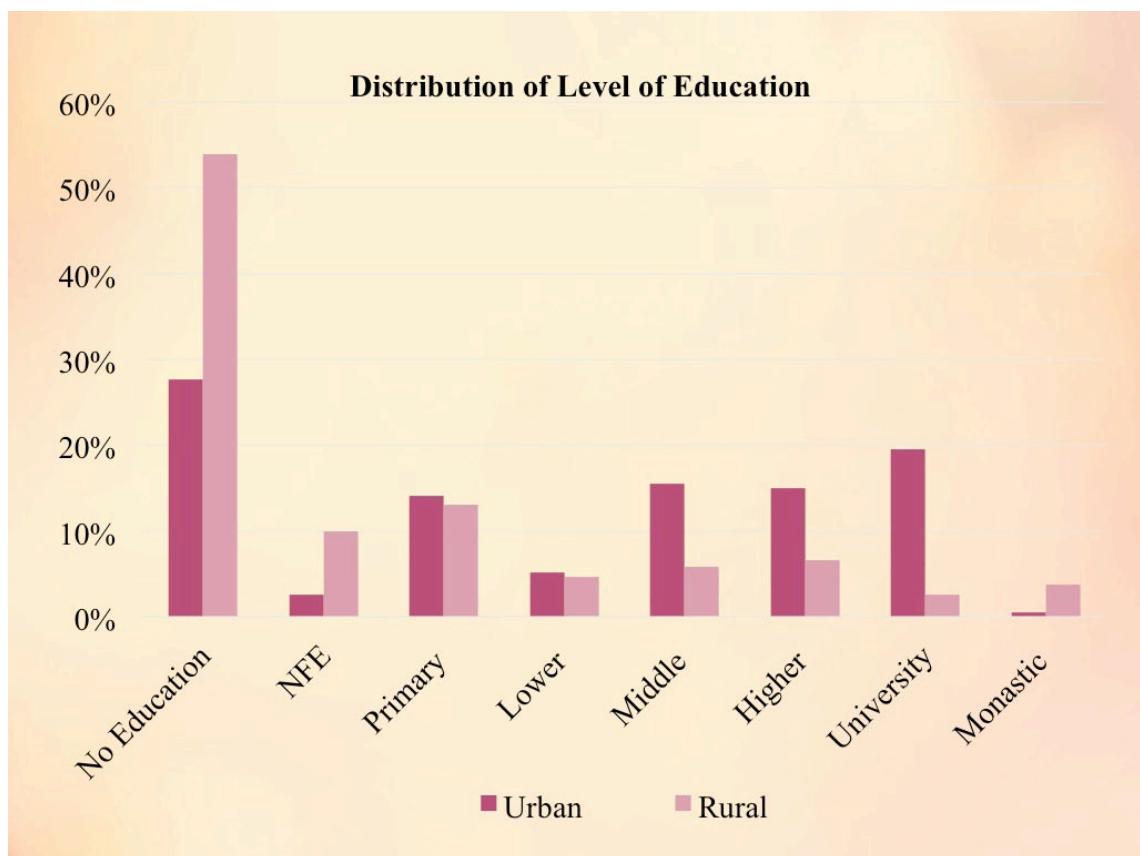


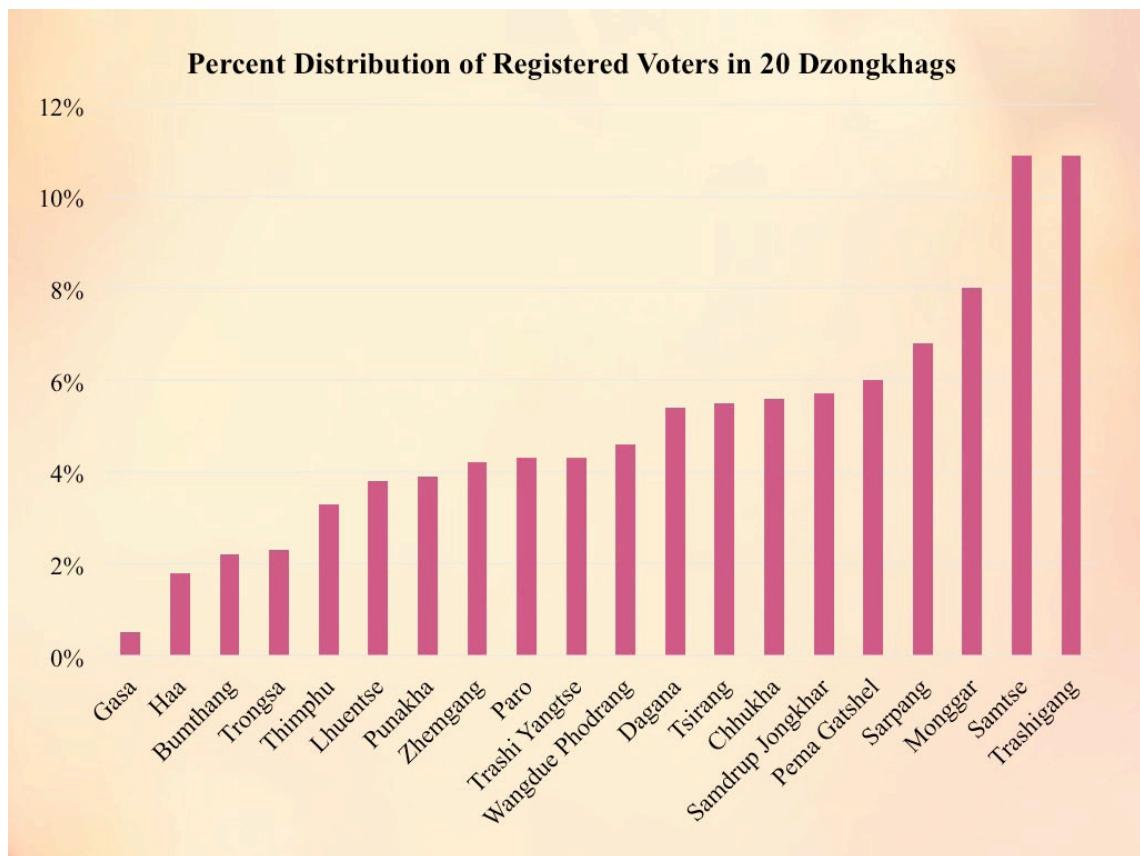
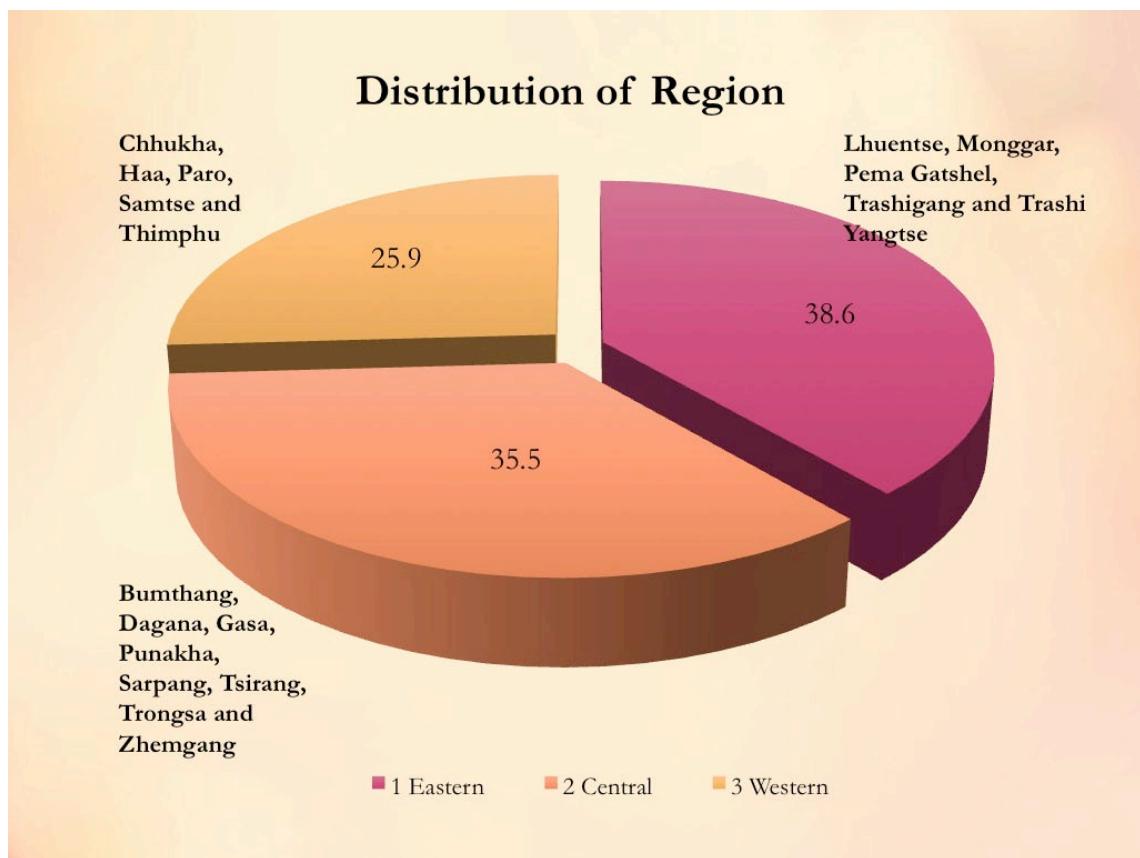
Research Methodology

1. Field Questionnaire Survey (FQS)
2. Focus Group Discussions (FGD)
3. Social Media Survey (SoMS)
4. Literature Review

Results and Findings

Background Characteristics of Questionnaire Survey Respondents

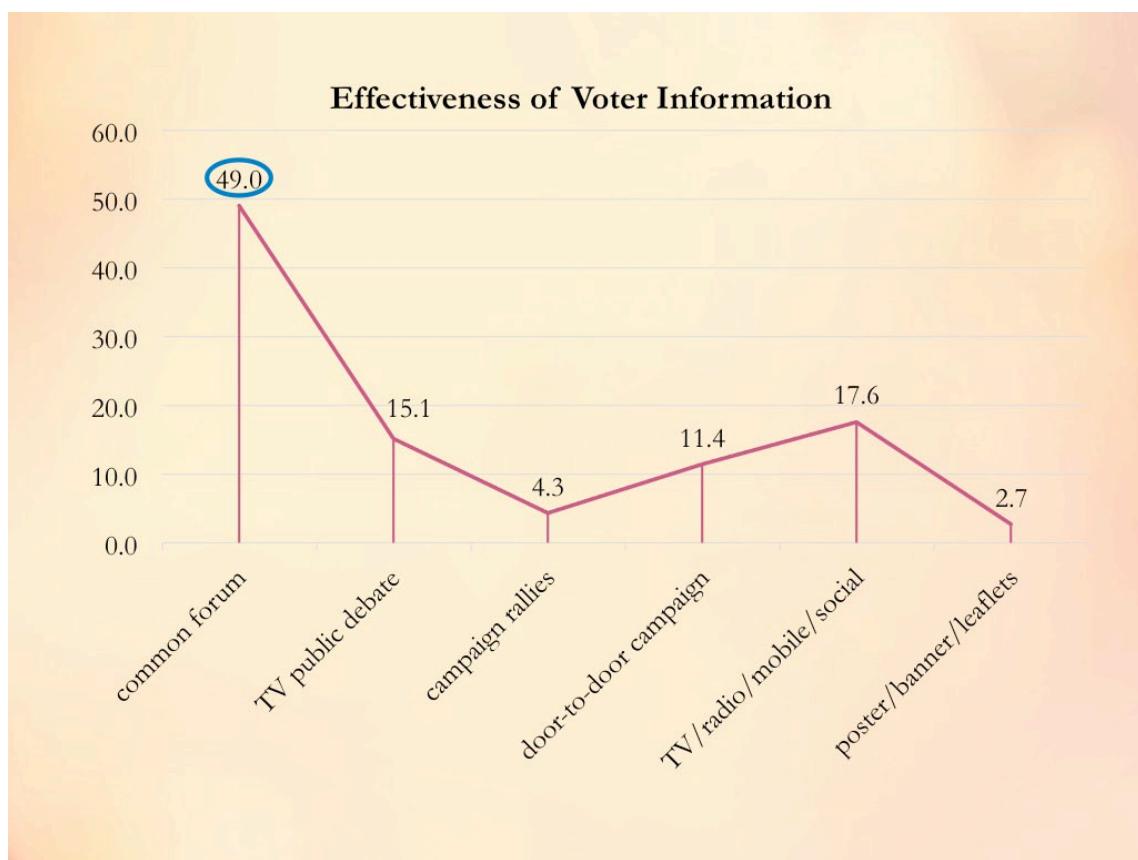




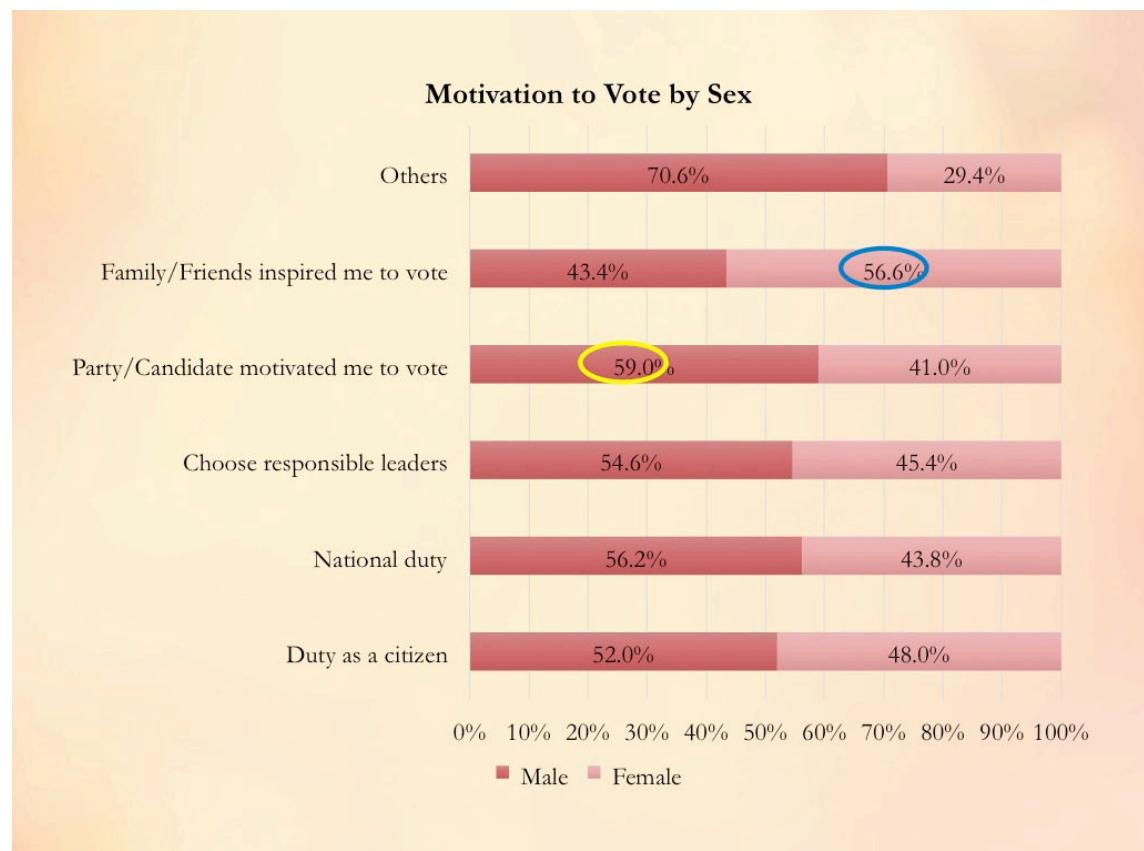
Univariate Analysis

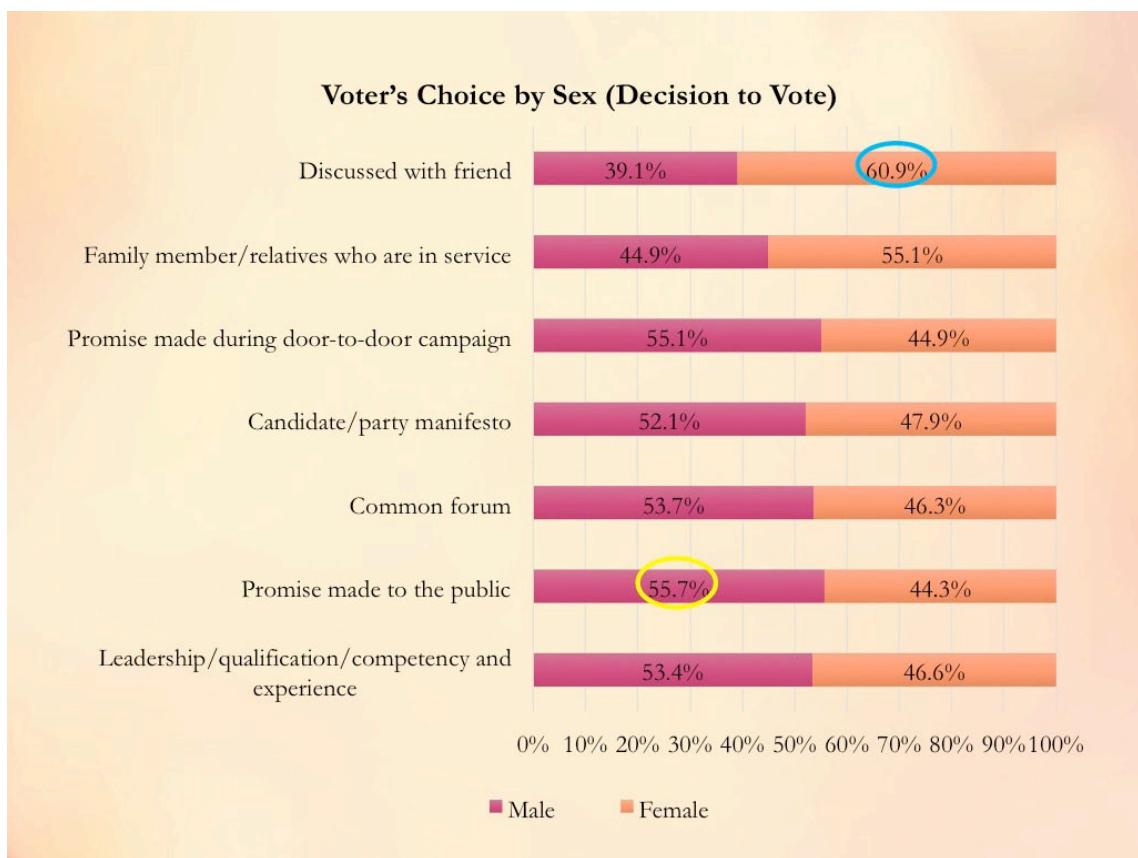
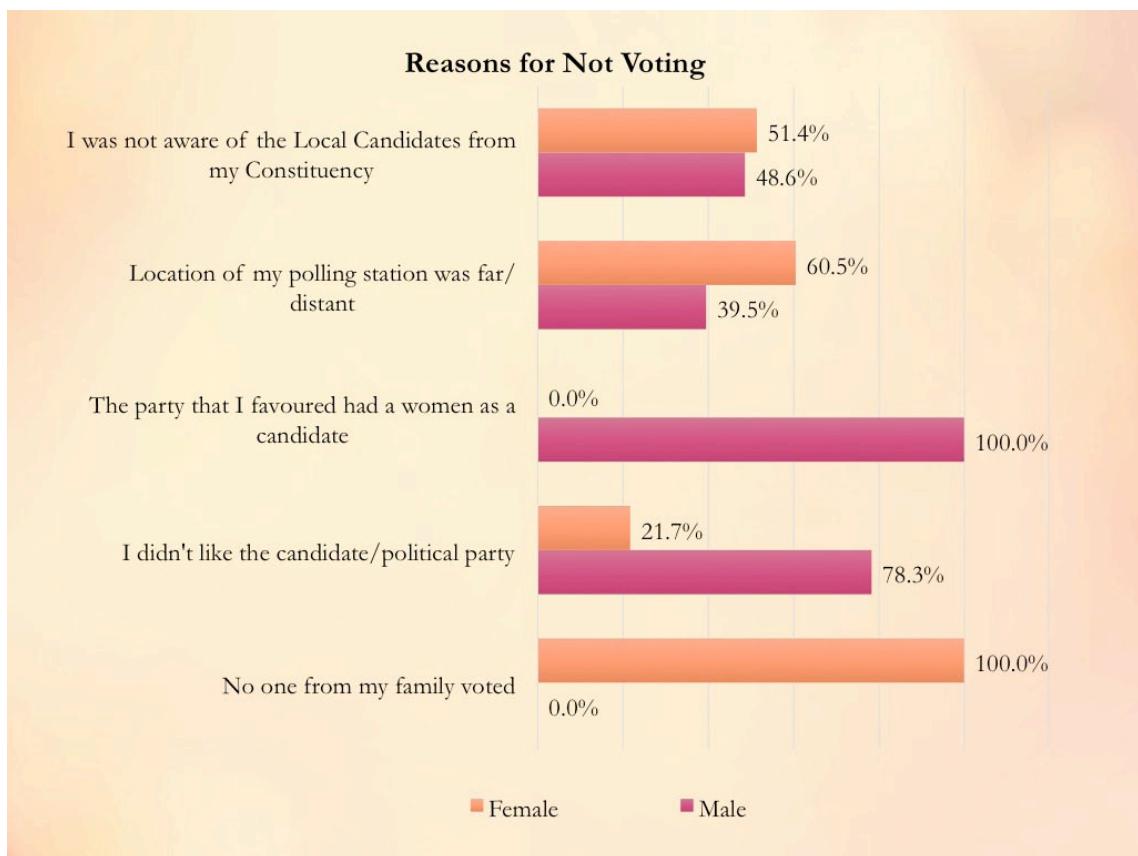
Determinants of Voter's Choice

		Election Campaigns of Parties and Candidates				
		Common Forum	TV Public Debate	Campaign Rallies	Door-to-Door Campaign	Social Media Campaign
Residence	Urban	20.6%	33.0%	12.5%	21.5%	12.4%
	Rural	60.9%	17.5%	4.0%	11.5%	6.2%



Effectiveness of Election Campaigns by Region						
Region	Effectiveness of Election Campaigns					
	Common Forums	TV Public Debate	Campaign Rallies	Door-to-Door Campaign	TV/ Radio/ Mobile/ Social media	Poster/ Banner/ Leaflets
Eastern	48.50%	14.80%	5.60%	10.40%	17.30%	3.40%
Central	51.20%	14.80%	0.90%	12.80%	18.00%	2.40%
Western	46.50%	16.10%	6.80%	11.10%	17.50%	2.00%

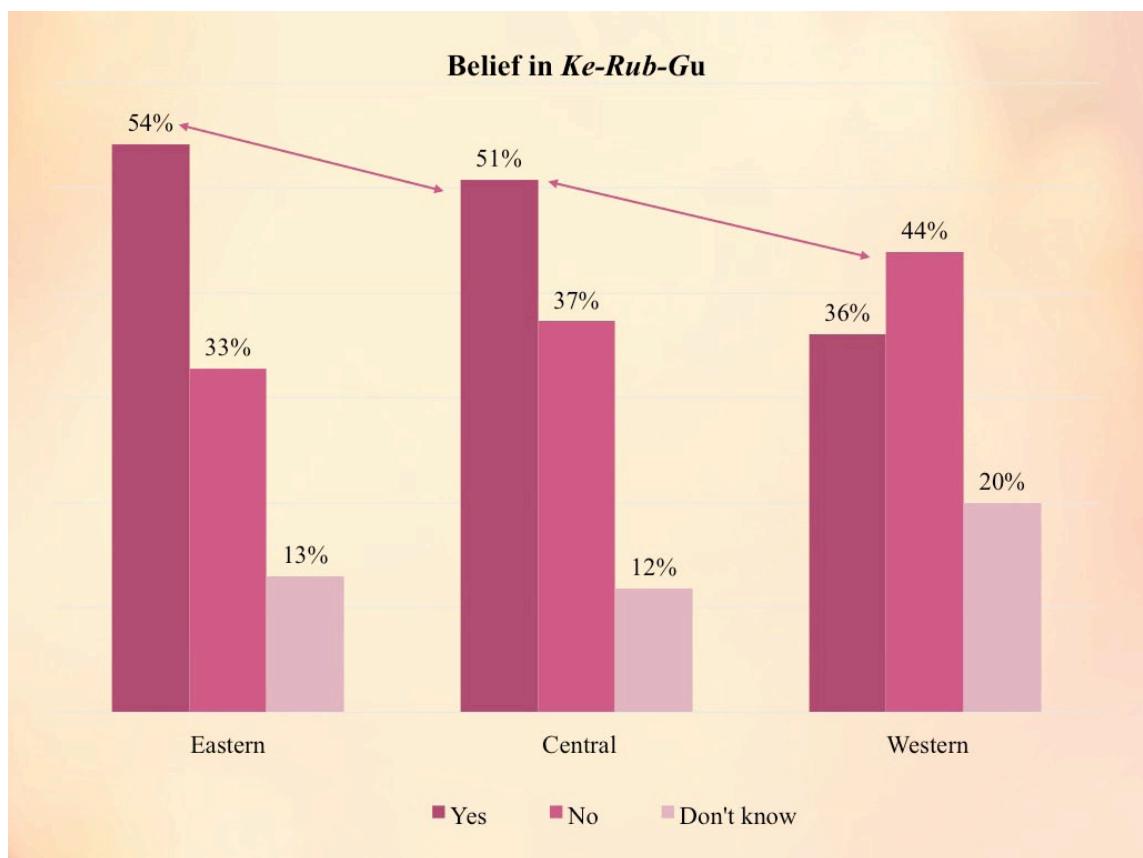
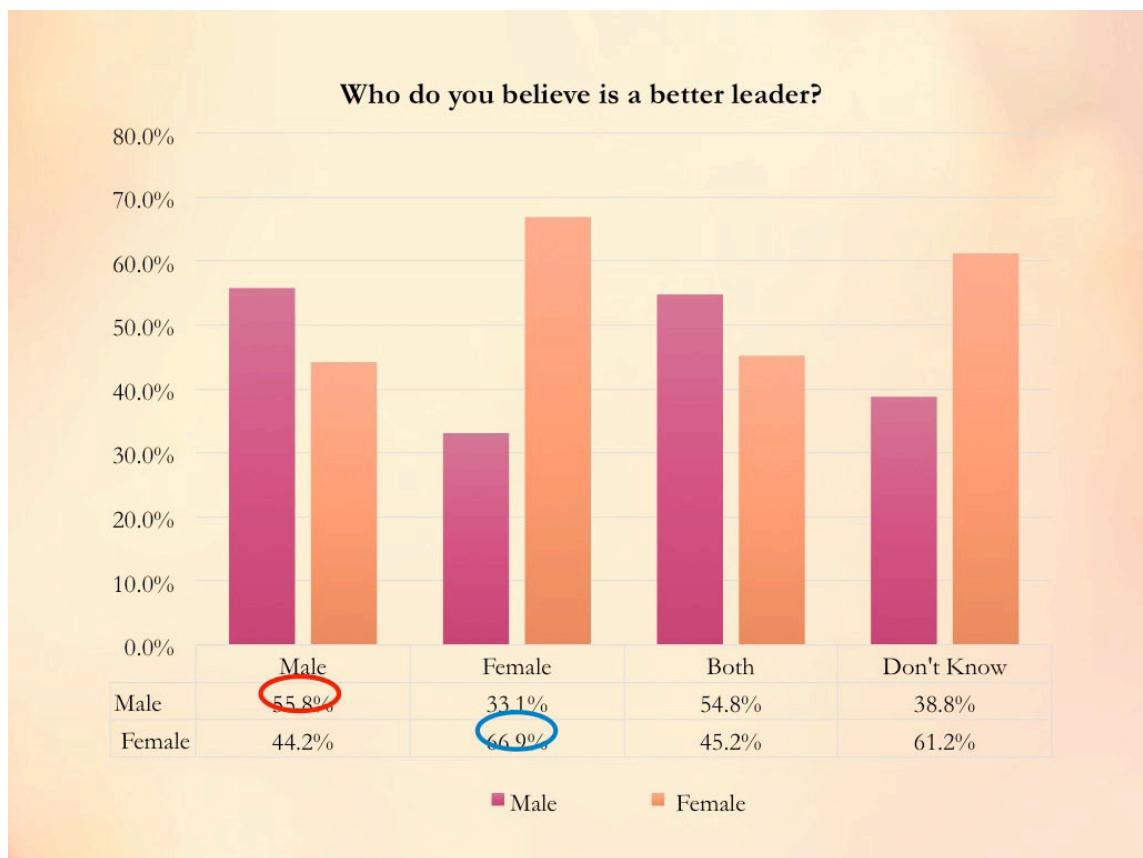


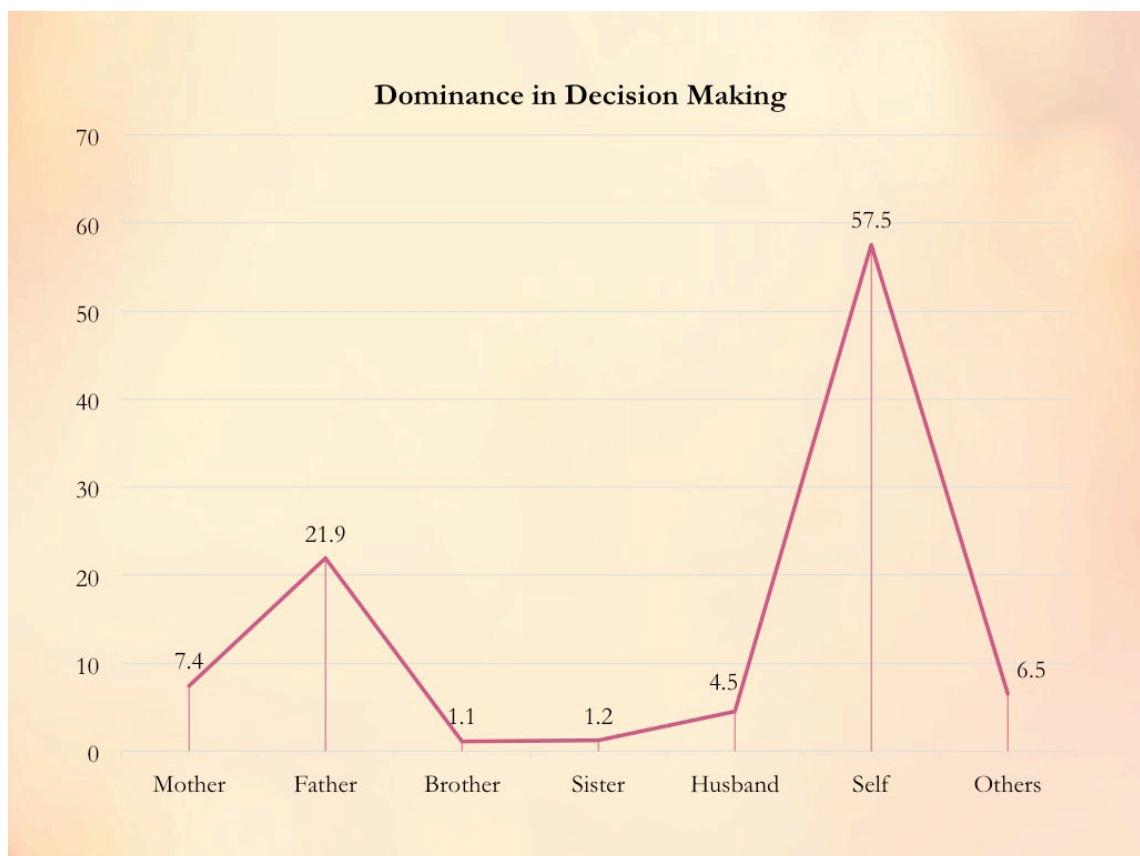


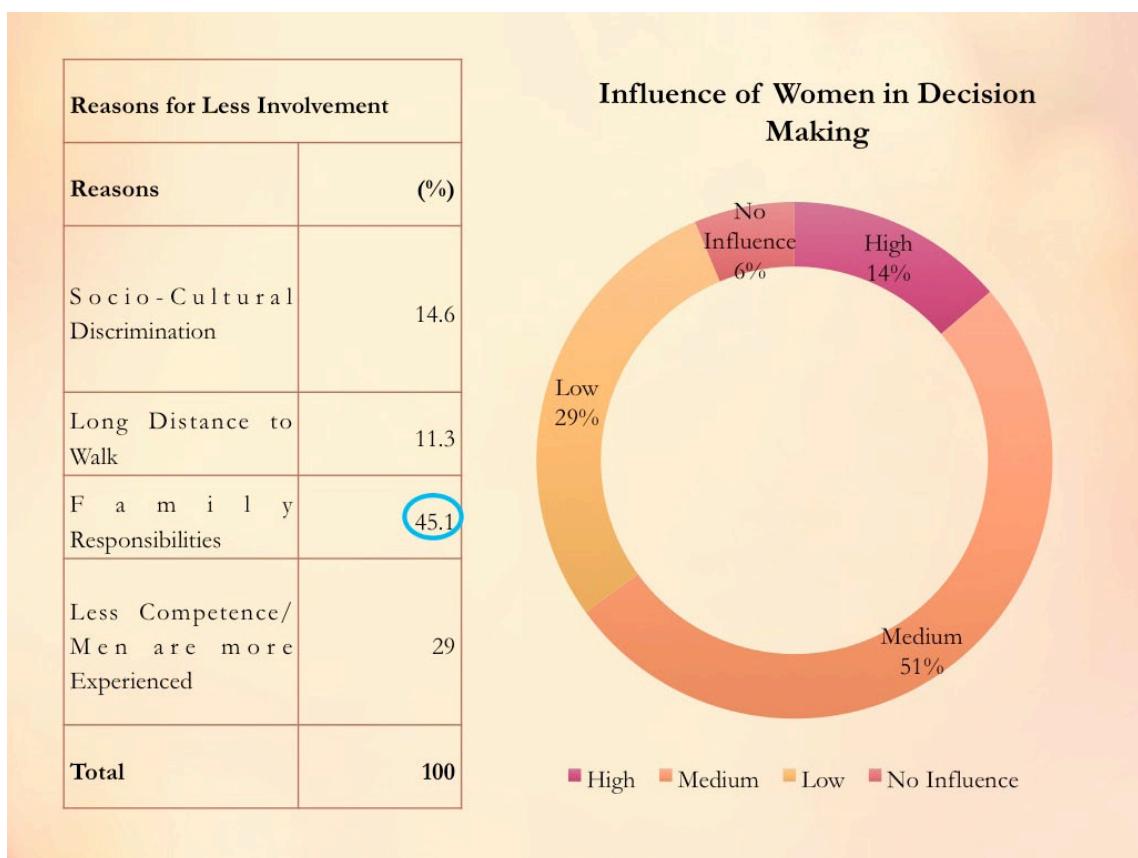
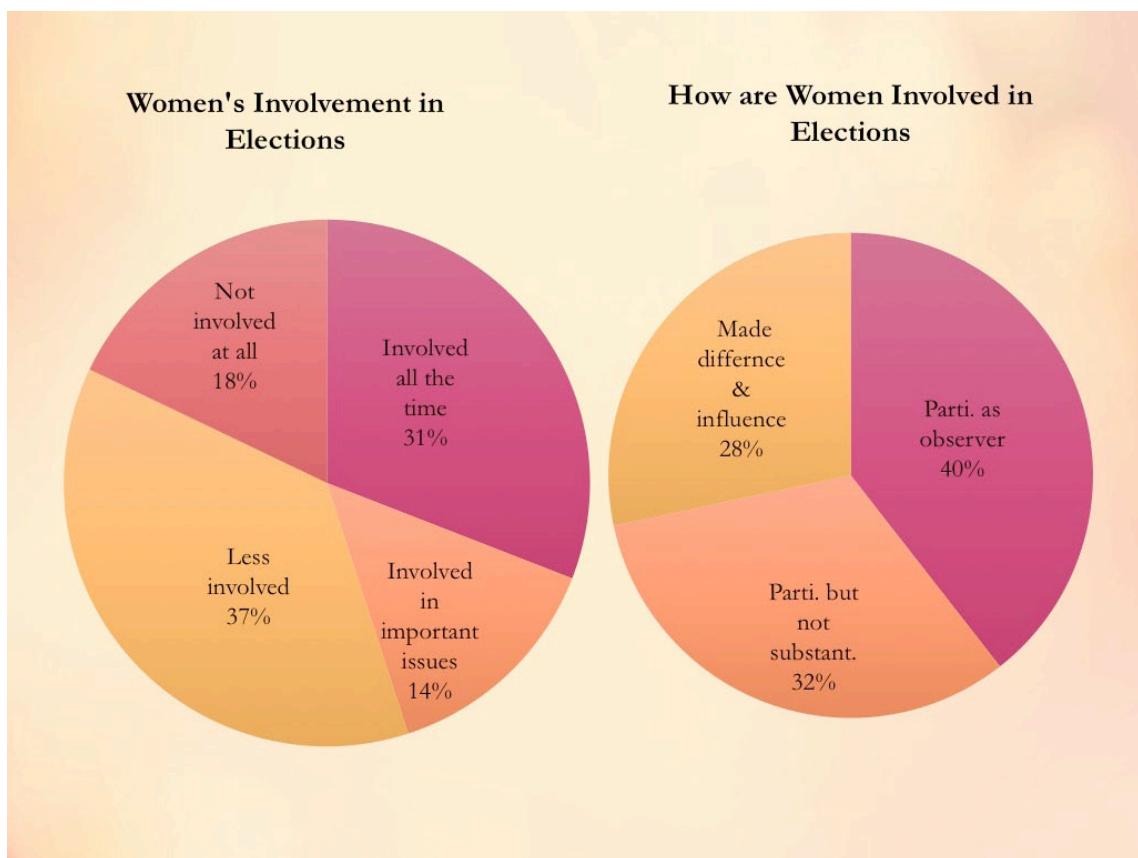
Perceptions and Beliefs Affecting Women's Participation in Elective Offices

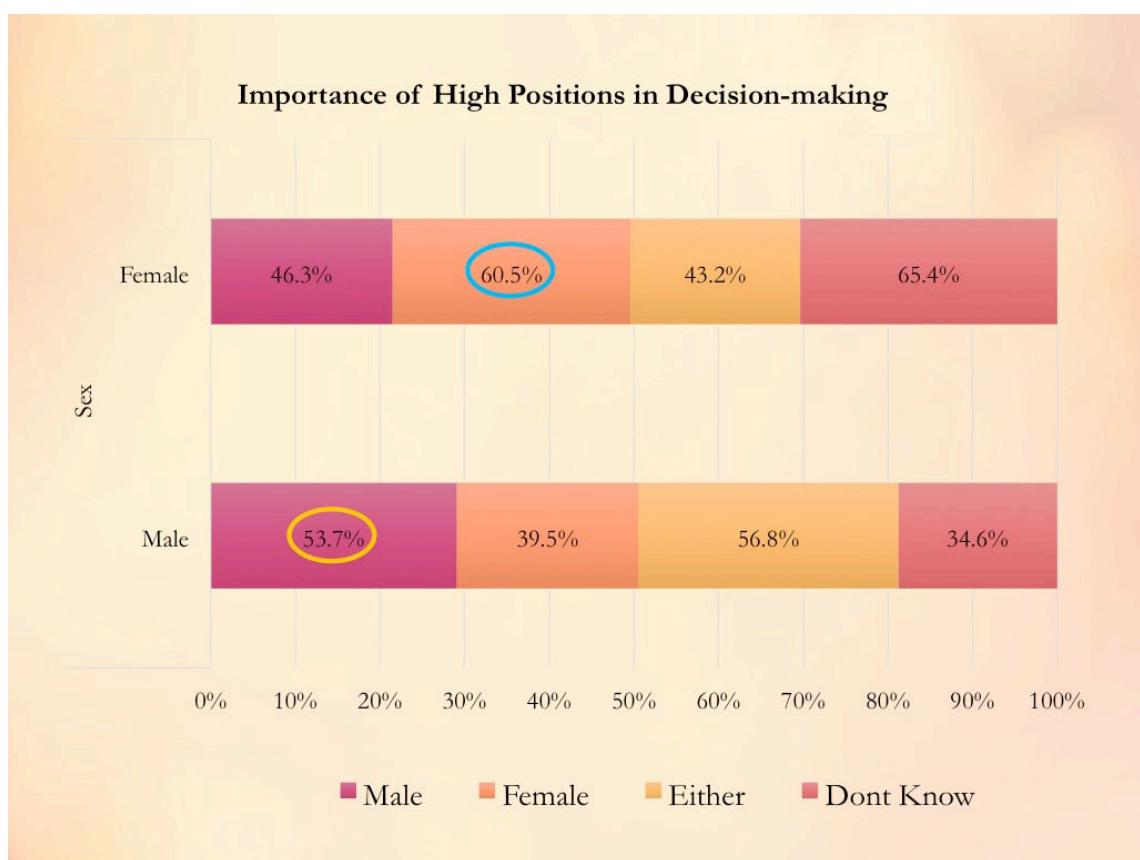
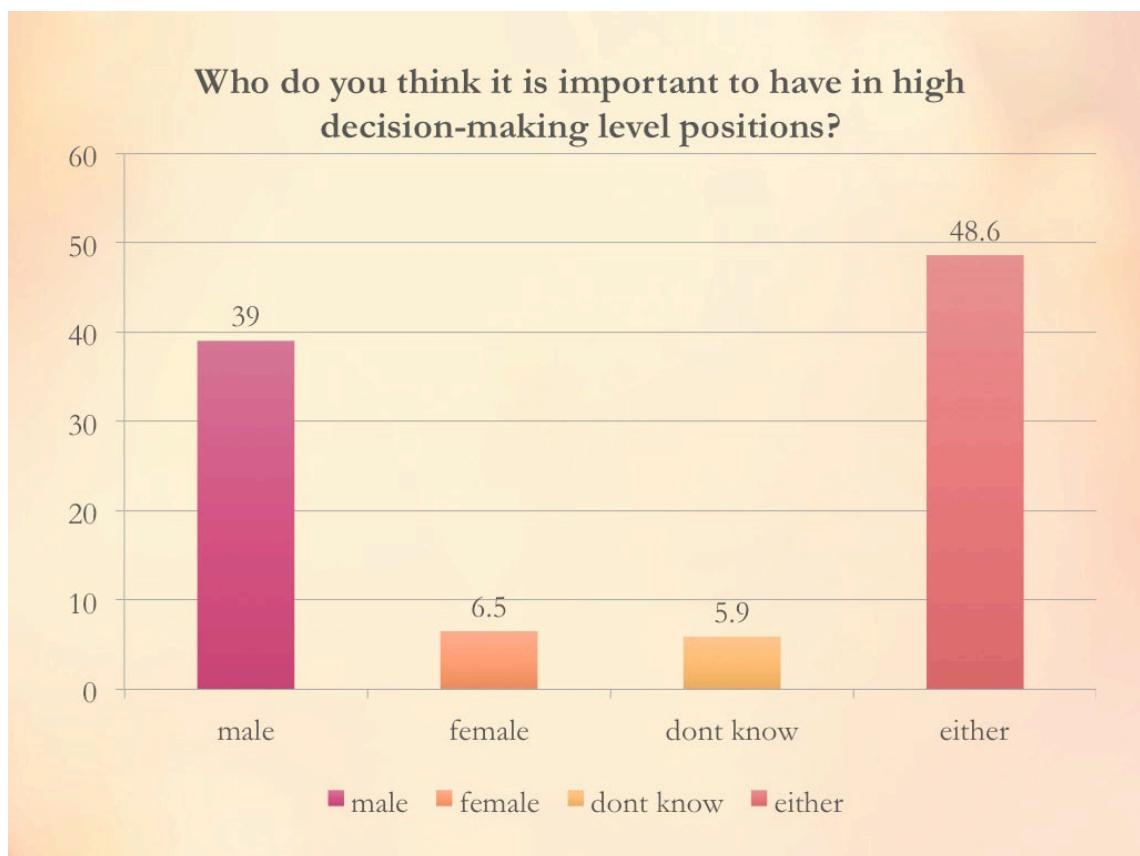
Belief in Better Leader	
Better Leader	Percent (%)
Male	30.8
Female	5.9
Both	59.1
Don't Know	4.2
Total	100

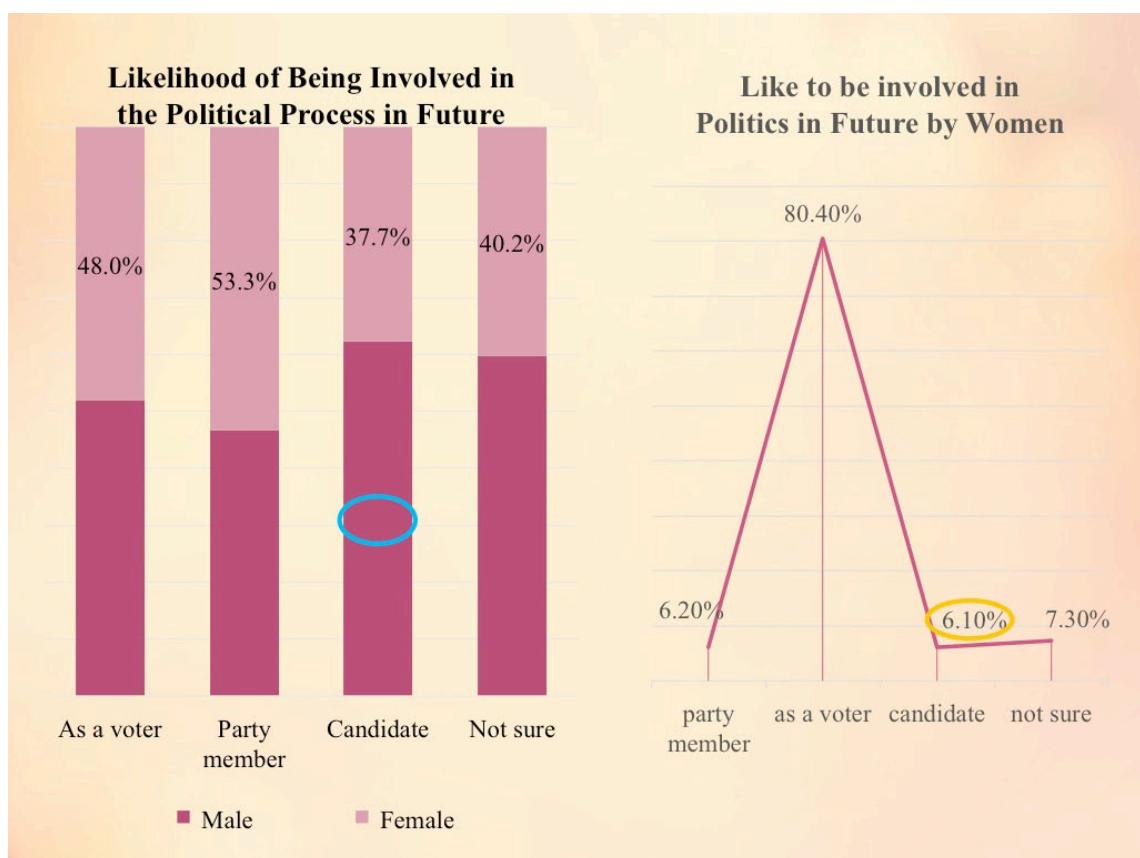
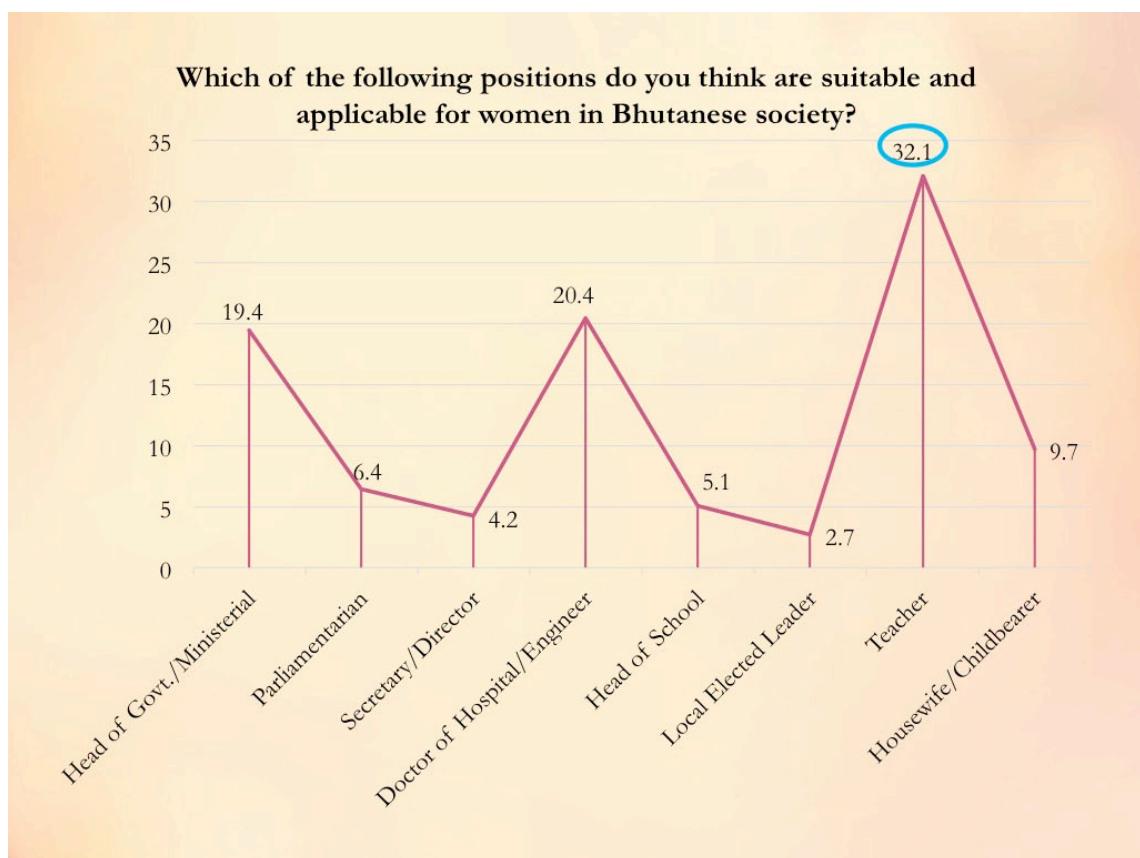
More Capable	
More capable	Percent (%)
Male	35.8
Female	4.8
Both	55.7
Don't Know	3.7
Total	100

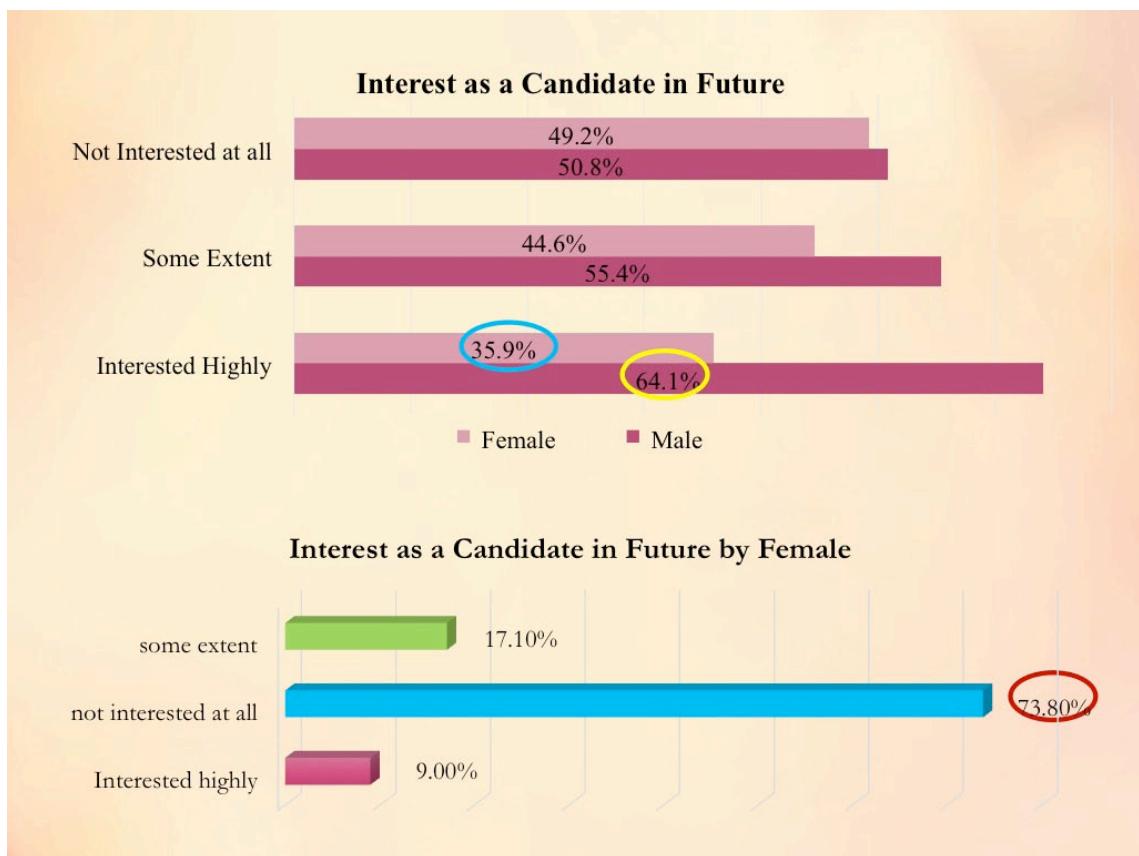
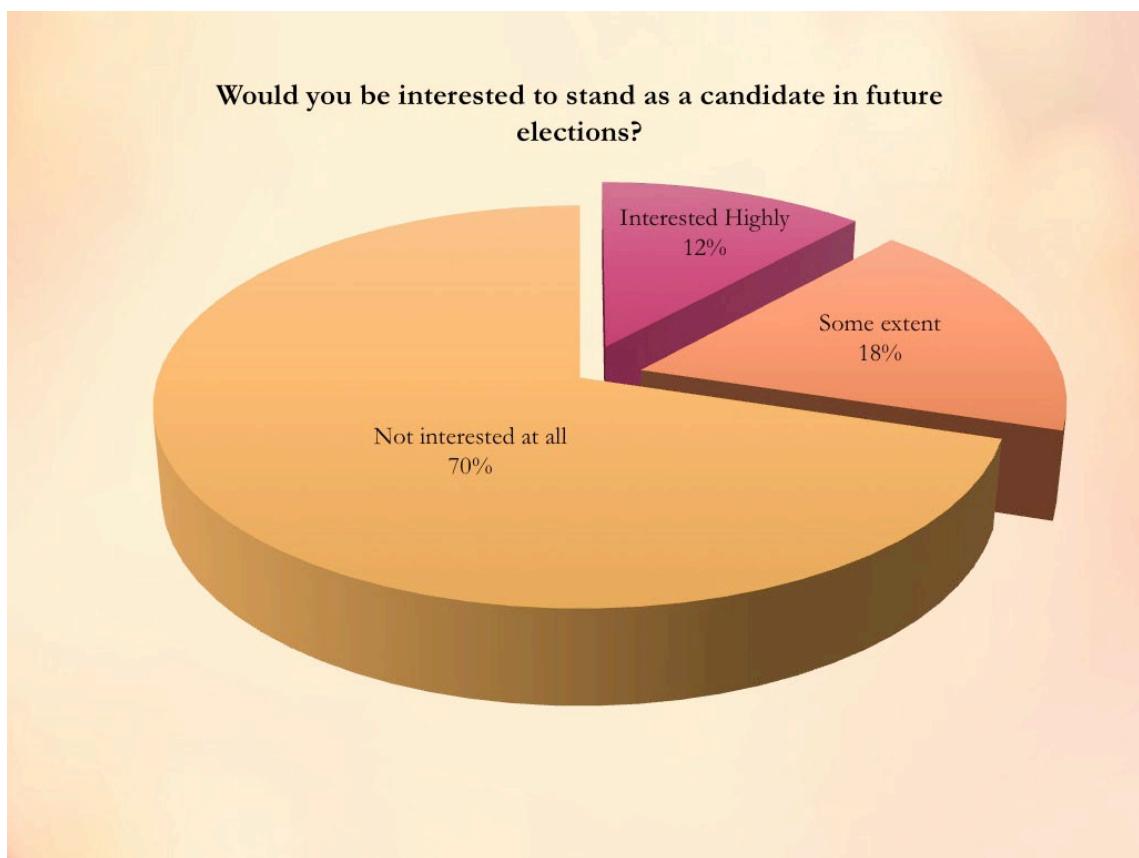


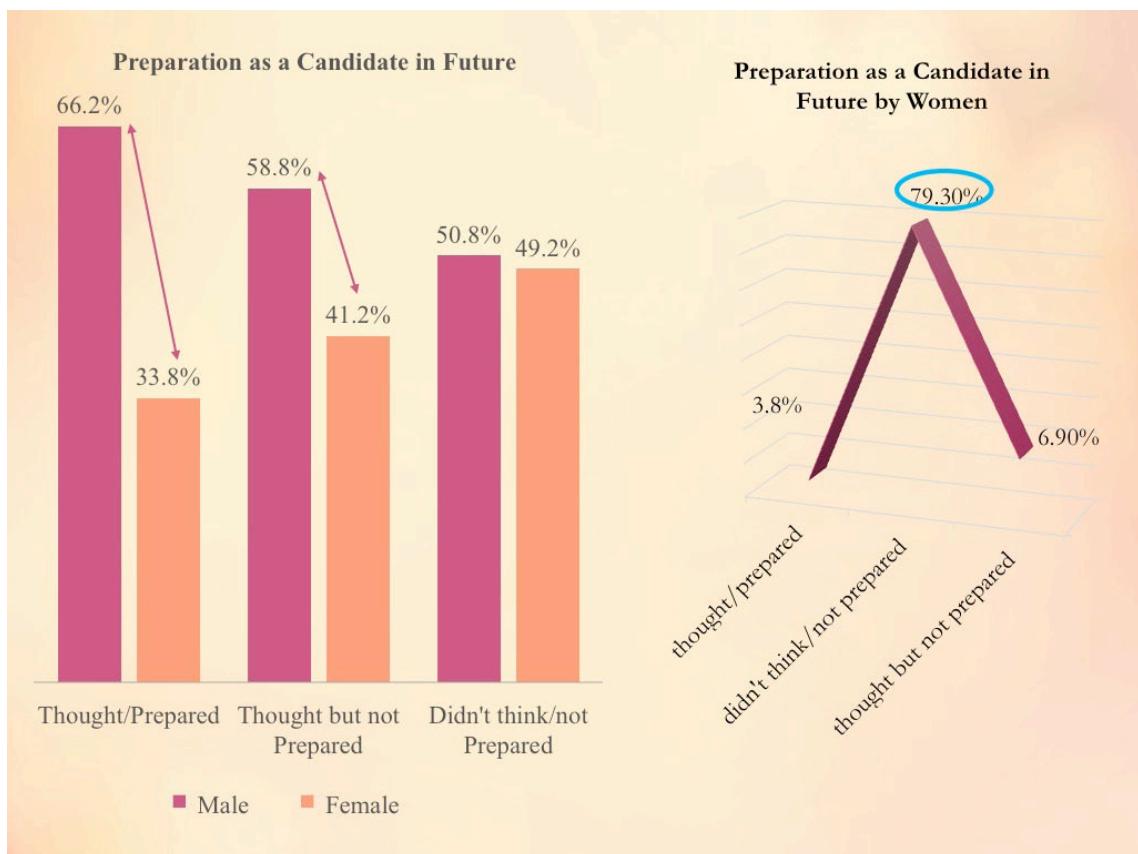
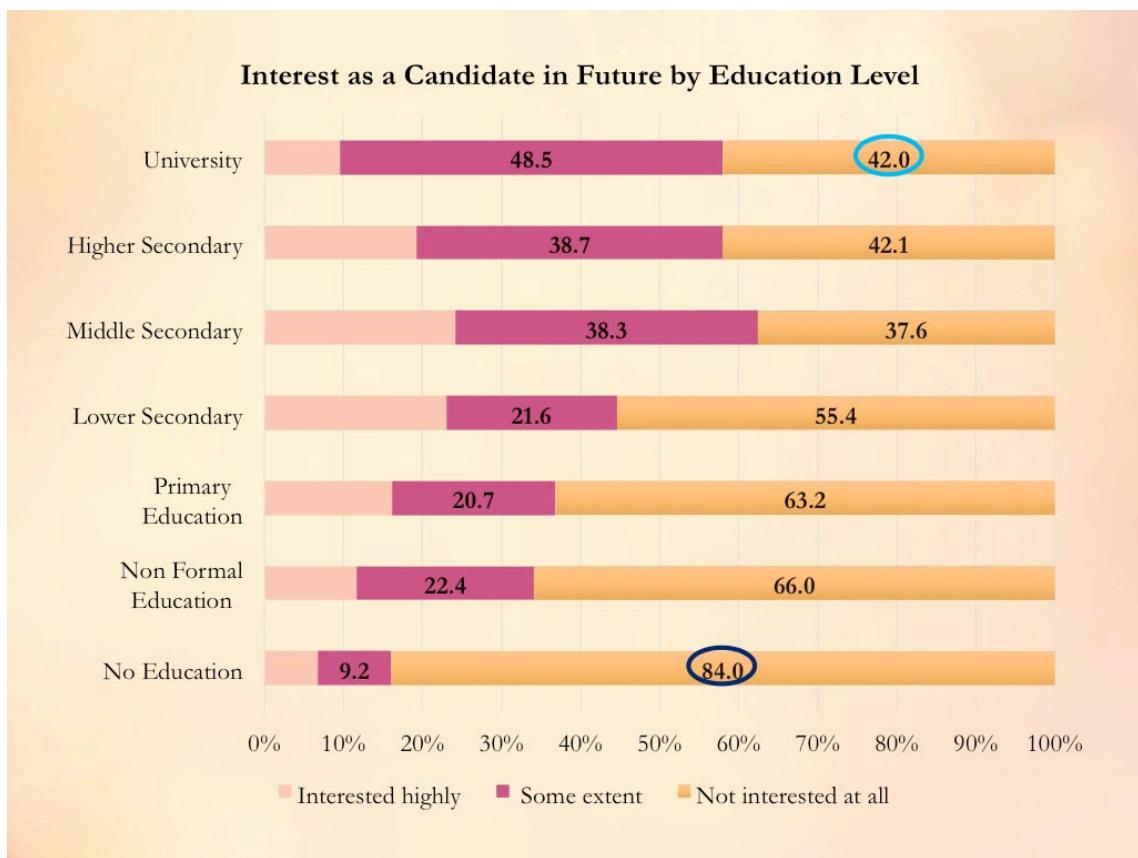


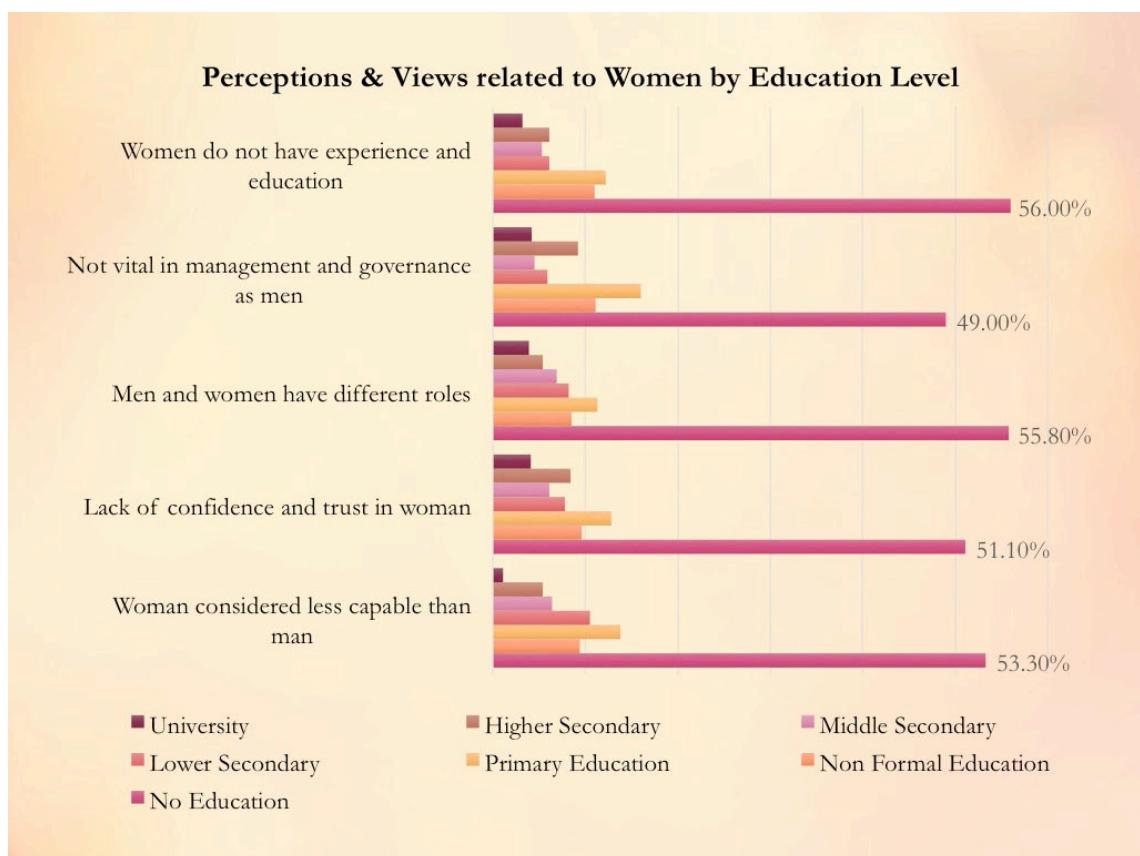
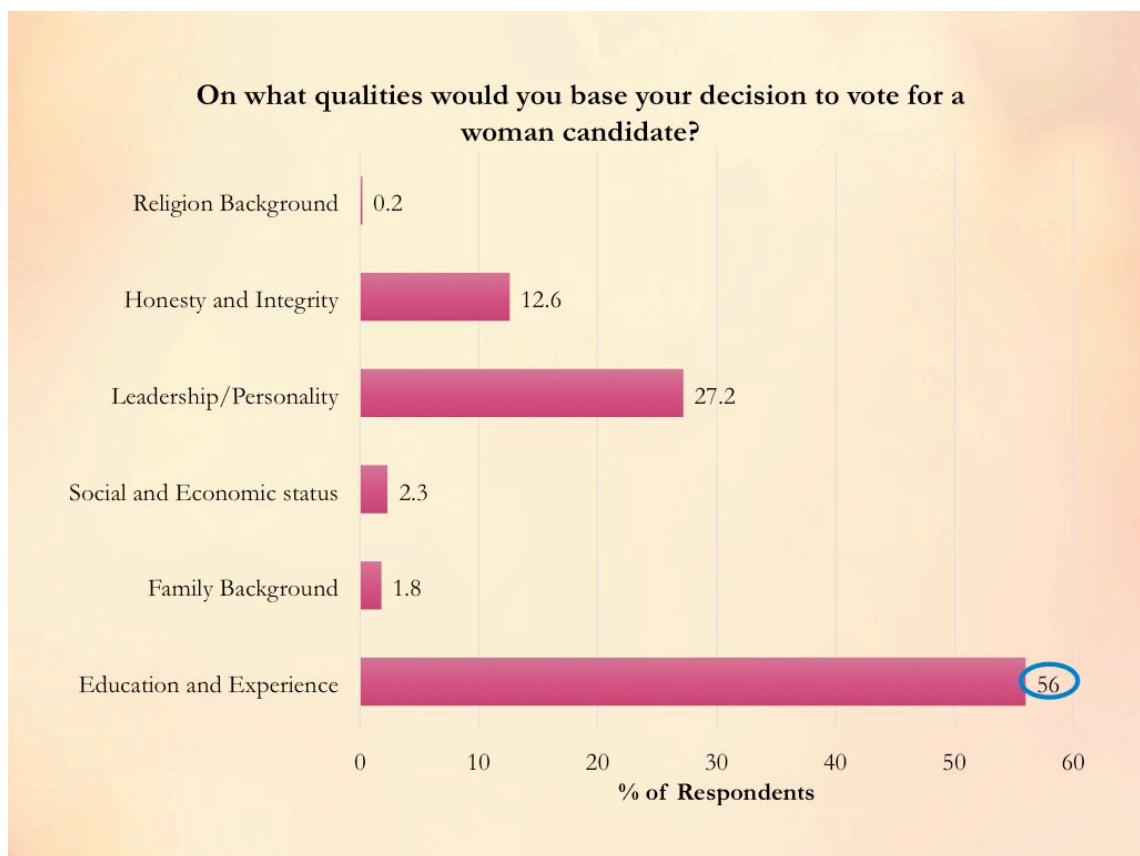


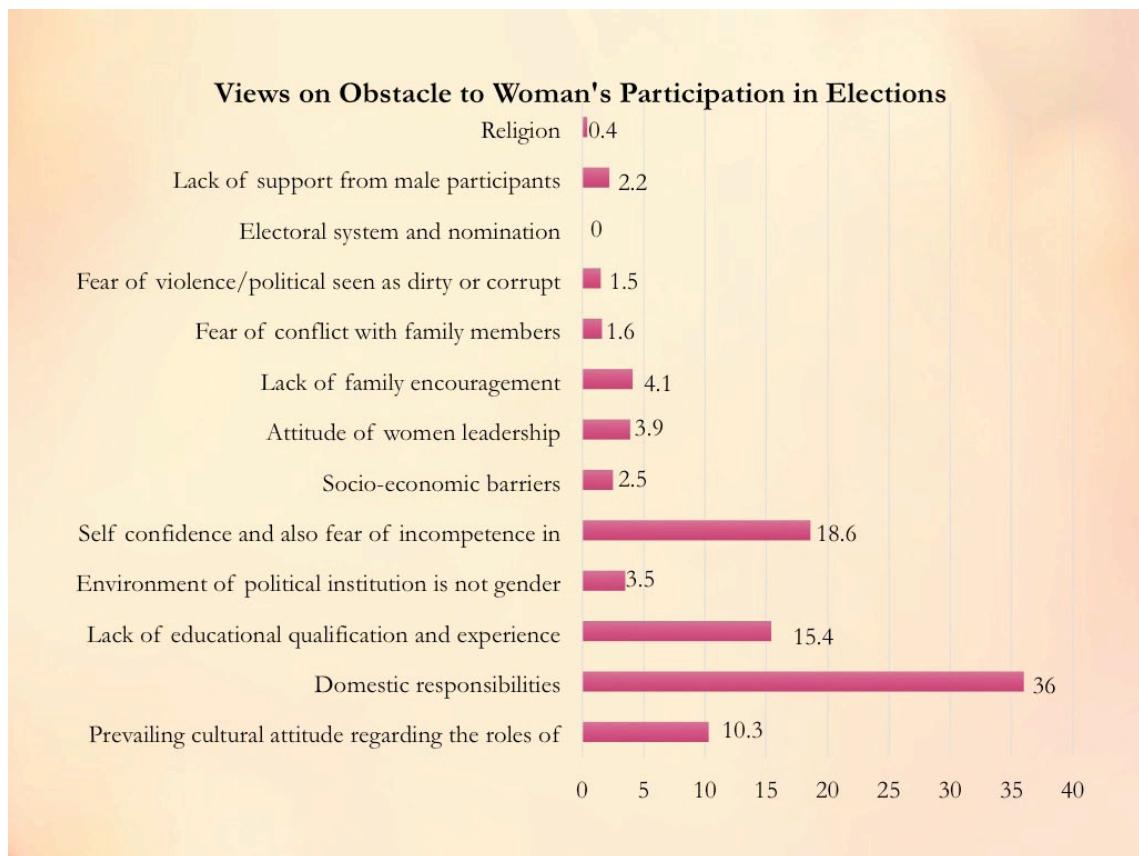




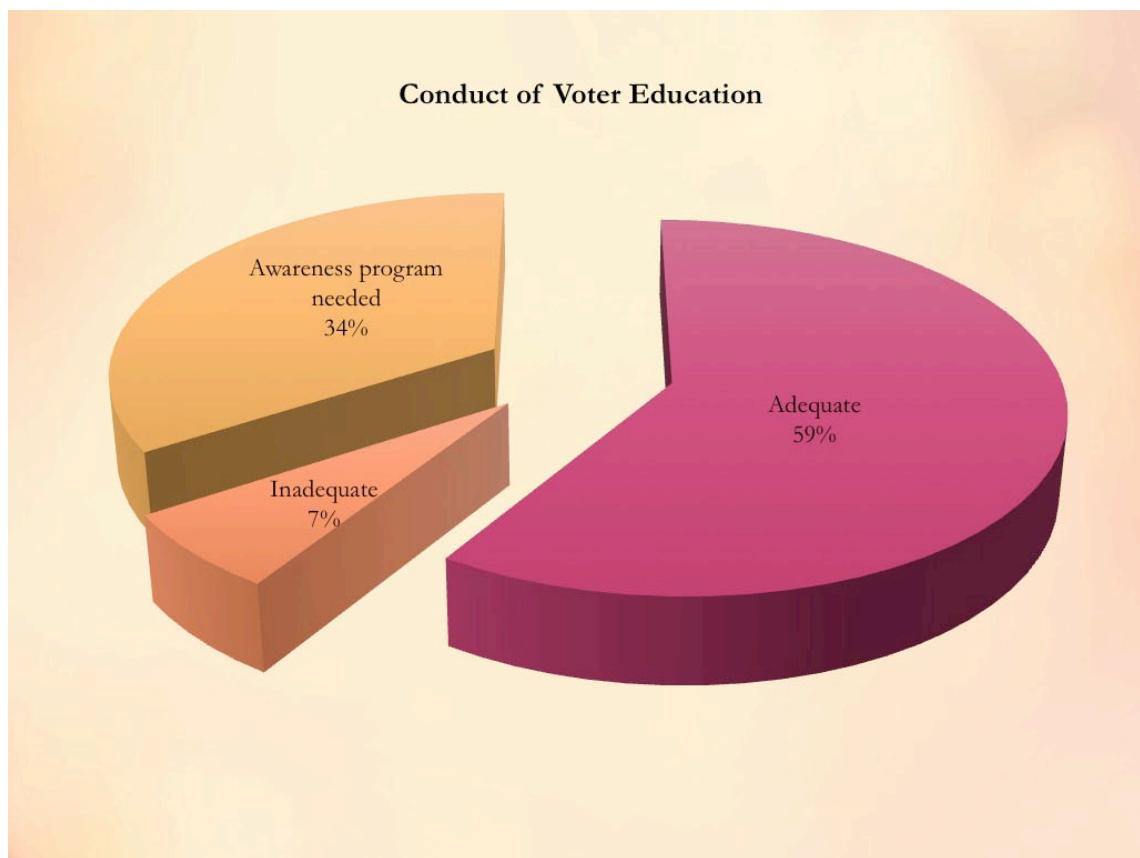
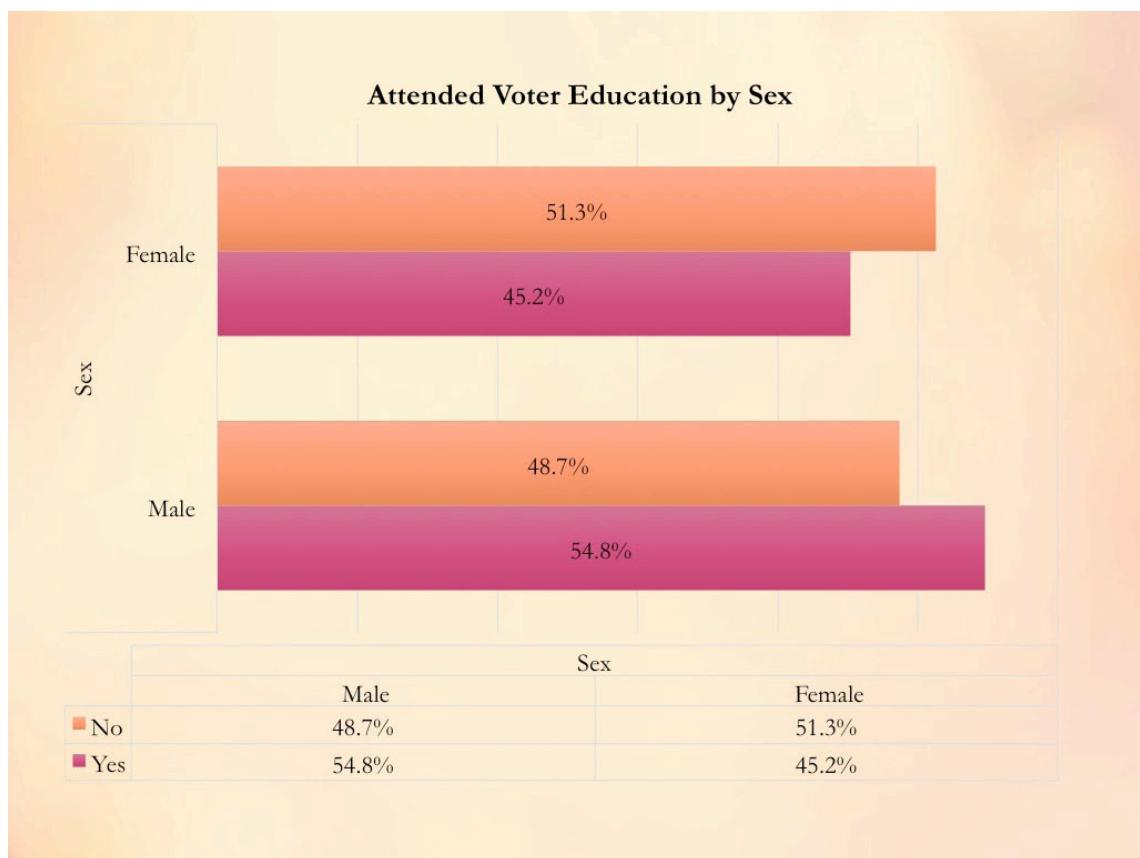


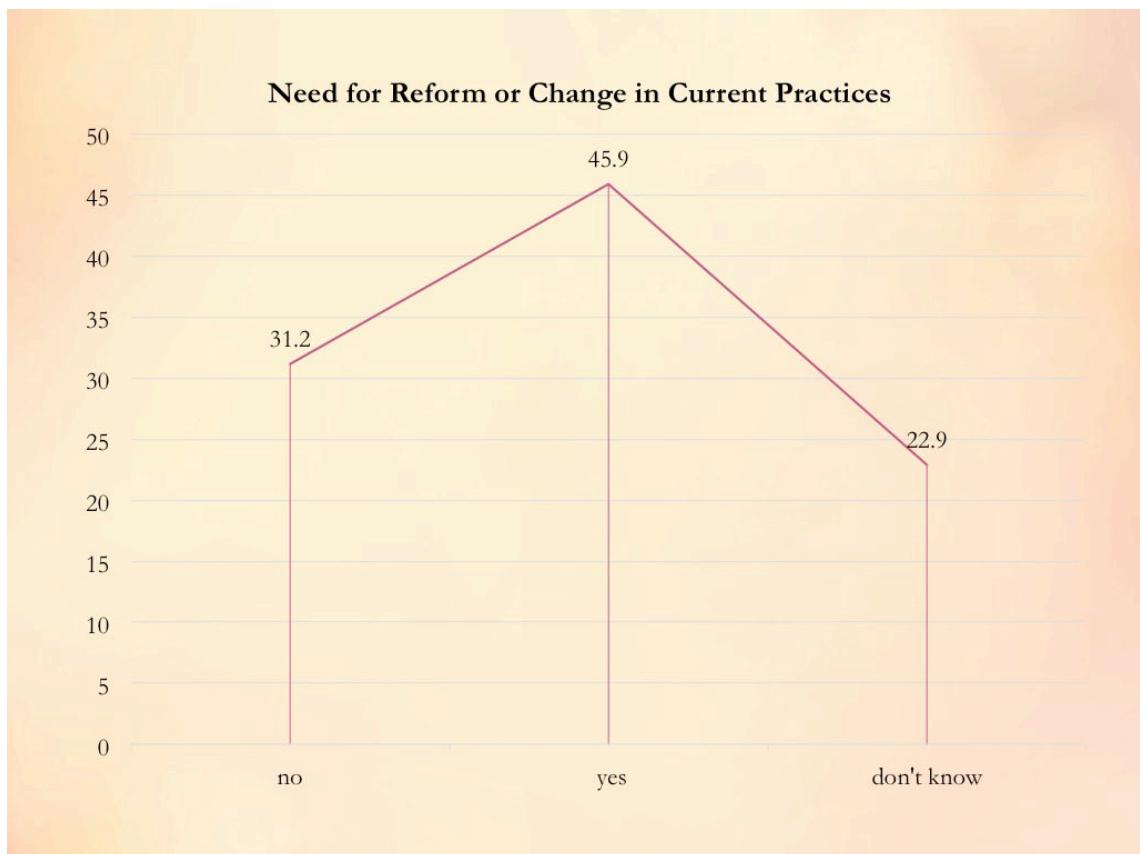
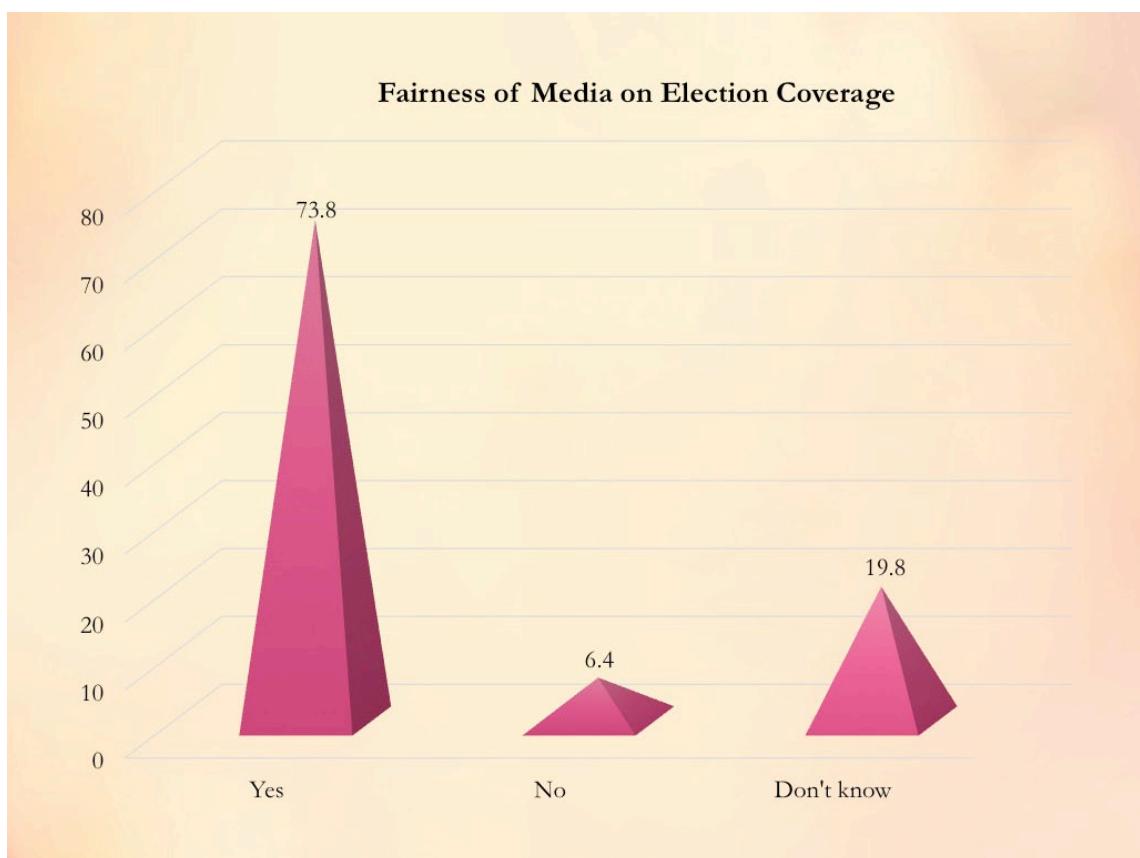


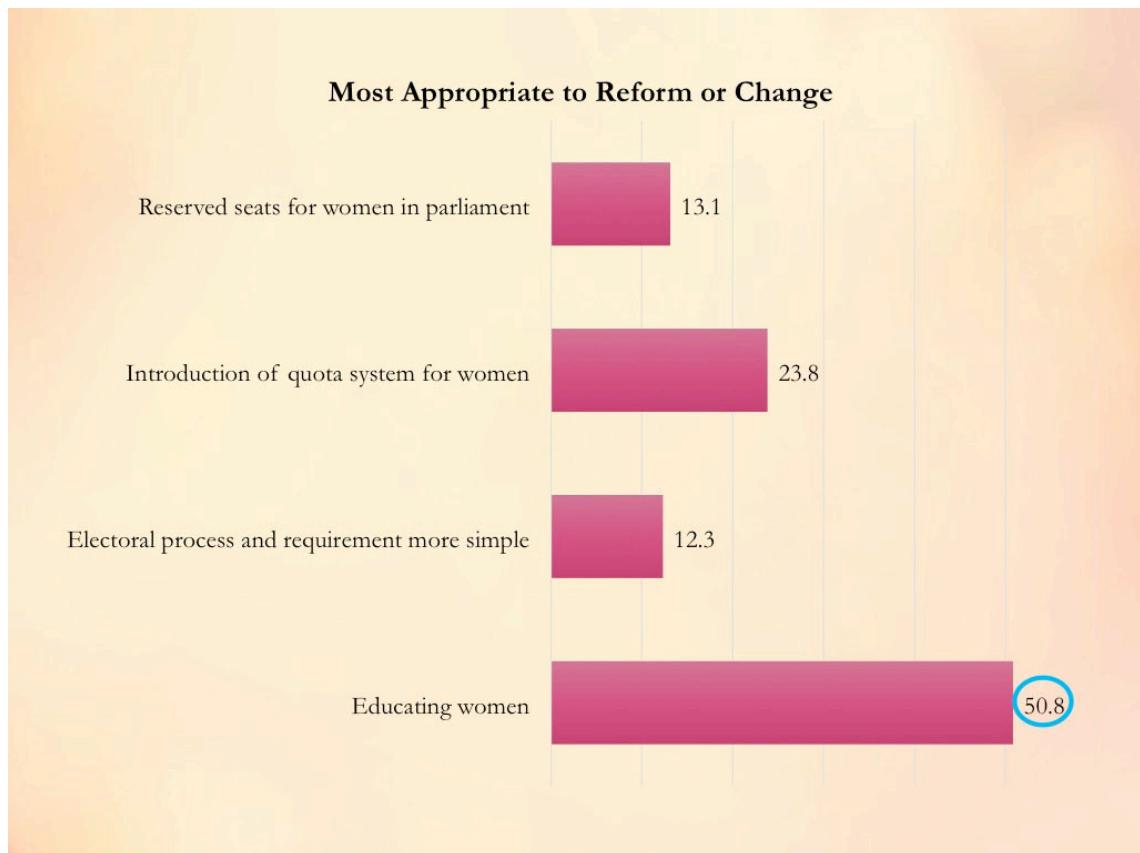




Overall Views on Electoral Process







Conclusion

- More educated in urban areas than in rural areas
- Basis of voting- Common forum & Public Debates in general, and friends and relatives had more influence on women
- Information and choice – women dependent and men independent.
- Choice – Credible, competent & better representation = “*cho-drup*”
- Degree of control over decisions- voting
- Perception of men as better leaders and more capable
- Men more qualified, experienced and preferred
- Belief and trust in women leadership with more education and experience

Conti...

- Gender beliefs differs with education
- Women declare they will vote in future elections and vote for women (but it is not themselves as candidates but others)
- Party and family support
- Women- domestic and family responsibilities, lack of confidence.
- Low level of women's engagement or involvement – observers and insignificant
- Change in current practice- educating women

Recommendations

- Need all stakeholders of the Bhutanese electoral and political processes to acknowledge the issues of women's participation in elective offices and to take appropriate measures to address them.
- Factors of social, economic and cultural natures need to be tackled through multi-sectoral approach, involving more than the stakeholders in electoral and political processes, to minimize their supposed negative impacts on the women's social, economic, cultural and political statuses.
- Socio-cultural belief systems and traditions that supposedly undermine the women's social and cultural statuses need to be tackled through concerted education and information dissemination efforts.

Conti...

- Efforts to inform, educate and sensitize voters through civic and voter education to encourage and support women's participation in politics and elections, including dissipating the notion and image that politics is dirty and to be engaged in by men only.
- There needs to be systemic changes to educate and change the mindset of the Bhutanese people through the education system to encourage and foster greater acceptance of women's equal social, economic and political statuses.

Conti...

- Major mindset changes should be brought about to view and to acknowledge the Bhutanese women's equal political rights as being important.
- Civic and voter education and information dissemination will have to be undertaken on a continuous basis, with specifics and through targeted approach, to ensure that not only the Bhutanese women are well informed but also the Bhutanese men are also sensitized to support the Bhutanese women's political and electoral aspirations and participation.
- All Bhutanese women who have political and electoral aspirations to be supported through incentives.

Conti...

- The interested women candidates should be encouraged to stand as candidates in elections through guidance, mentoring, and trainings for competency and skills development to enable them to contest in elections on equal terms as the men candidates.
- In order to do so, the relevant institutions and authorities will need to be more sensitive to the issues of the Bhutanese women's political and electoral participation.

Conti...

- The ECB and the relevant stakeholders will need to be more than adequately strengthened and developed to support and undertake activities to enhance the Bhutanese women's political and electoral participation in proactive manner rather than take a quick-fix approach.
- Quota or any form of reserved representation should not be viewed as the ultimate solution to enhance political participation and representation. Better to directly deal with core issues relating to social, cultural and economic factors that ultimately affront the Bhutanese women's political participation.

“Any woman who understands the problems of running a home will be nearer to understanding the problems of running a country.”

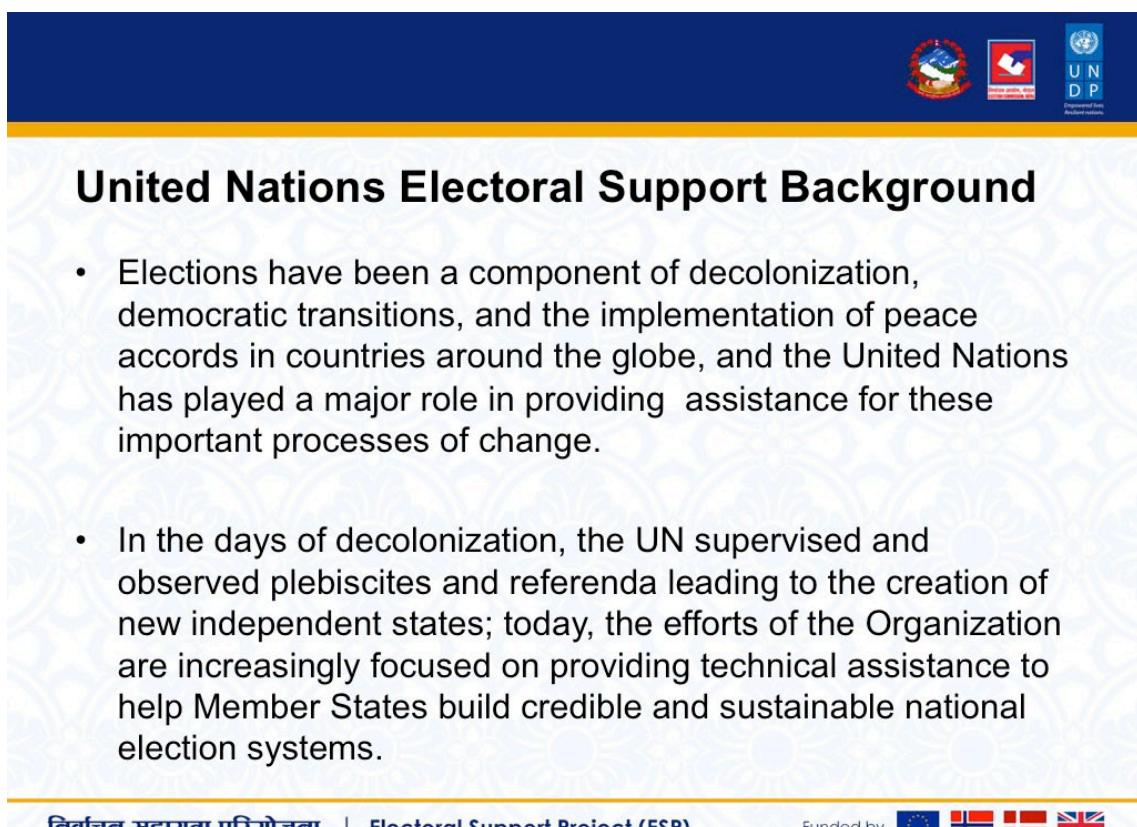
Margaret Thatcher

Thank You and *Tashi Delek*

Annex 17 : UNDP Electoral Support Project Presentation



The slide features a dark blue background with a repeating white floral pattern. At the top right are the UNDP logo and the UN emblem. The title 'UNDP Electoral Support' is centered in large white font. At the bottom left is the text 'निर्वाचन सहायता परियोजना | Electoral Support Project (ESP)'. At the bottom right is the text 'Funded by' followed by logos for the European Union, Norway, Denmark, and UKAid.



The slide has a light blue background with a repeating white floral pattern. At the top right are the UNDP logo and the UN emblem. The title 'United Nations Electoral Support Background' is centered in large black font. Below it is a bulleted list of points. At the bottom left is the text 'निर्वाचन सहायता परियोजना | Electoral Support Project (ESP)'. At the bottom right is the text 'Funded by' followed by logos for the European Union, Norway, Denmark, and UKAid.

- Elections have been a component of decolonization, democratic transitions, and the implementation of peace accords in countries around the globe, and the United Nations has played a major role in providing assistance for these important processes of change.
- In the days of decolonization, the UN supervised and observed plebiscites and referenda leading to the creation of new independent states; today, the efforts of the Organization are increasingly focused on providing technical assistance to help Member States build credible and sustainable national election systems.

UN began supporting electoral processes in United Nations Member States in the 1970s, though activity accelerated after 1990. Some of the most famous cases

- Cambodia 1992-1993
- East Timor 1999
- South Sudan 2011

UN Objectives in Electoral Assistance

UN objectives for electoral support

- To assist Member States in their efforts to hold democratic elections in accordance with obligations, principles and commitments outlined in universal and regional human rights instruments
- To contribute to building, in the recipient country, a sustainable institutional capacity to organize democratic elections that are genuine and periodic and have the full confidence of contesting parties and candidates and the electorate
- To reduce the potential for election related violence

Note of Guidance on Electoral Assistance Department of Political Affairs of the United Nations Secretariat and UNDP

The electoral component of UN involves the following departments:

- UN Electoral Assistance Division EAD was established in 1992 in the Department of Political Affairs and UNDP
- Other UN agencies and departments also are involved in electoral operations such as UNOPS, UN Women, UNICEF, UNESCO
- UNDP offers strategic assistance throughout the electoral cycle, from designing more effective systems to resolving disputes after the votes are counted.

निर्वाचन सहायता परियोजना | Electoral Support Project (ESP)

Funded by    

UNDP Support to Elections

Up to date

- Support in over 100 countries
- 400 projects
- 2.3 billion USD

निर्वाचन सहायता परियोजना | Electoral Support Project (ESP)

Funded by    

UNDP Electoral Support in South Asia:

- Afghanistan: Enhancing Legal And Electoral Capacity For Tomorrow (ELECT II)
- Bangladesh : Strengthening Election Management in Bangladesh
- Construction of Server Stations for Electoral Database
- India: Supporting Democratic Electoral Management Supporting Democratic Electoral Management
- Pakistan Electoral Cycle Support to the Election Commission of Pakistan
- Nepal: Electoral Support Project

निर्वाचन सहायता परियोजना | Electoral Support Project (ESP)

Funded by 

UNDP Role

- Impartial provider of electoral assistance which supports processes and institutions
- Added value in a development role to strengthen electoral processes
- Relevant to improve human development in the context of elections
- Effective in assistance and strengthen EMBs towards credible and fair elections
- Effective in improving enabling environment.

निर्वाचन सहायता परियोजना | Electoral Support Project (ESP)

Funded by 

UNDP Role

- Support led to development of more inclusive electoral processes worldwide
- Support in the introduction of high-tech solutions in elections
- Effectiveness in mitigating or preventing electoral related violence in some countries
- Process focused support to the electoral cycle efficient
- Efficient at donor coordination and mobilization of funds
- UNDP is a leader in the field of electoral knowledge in partnership with other organizations.
- UN roster of electoral experts.

UNDP Electoral Support Project Nepal Phase 2

- 2013-2016
- Donors : European Union
 - DFID UKaid
 - Norway
 - Denmark
 - UNDP funds

UNDP ESP Areas of Support

INSTITUTIONAL CAPACITY BUILDING

- Strategic Planning
- Biometric Voter Register (Continues Voter Registration Software)
- Geographic Information and Electoral Mapping Systems
- Professional Development
- South-South and Triangular cooperation
- Institutional memory

DEMOCRATIC PARTICIPATION

- Support to Public Outreach, Civic and Voter Education
- Establishment of Electoral Education and Information Center(s)
- External Relations (CSOs, Political Parties, Media, etc.)
- Gender, Social Inclusion and Vulnerable Groups

SUPPORT TO ELECTORAL PROCESSES

- Procedures and Training
- Election Operations and Logistics (planning, procurement)
- Electoral Dispute Resolution
- Electoral Security
- Support to Media and Observers

निर्वाचन सहायता परियोजना | Electoral Support Project (ESP)

Funded by 

KEY UPCOMING ESP ACTIVITIES SUPPORT TO ECN

- ECN Strategic Plan / Action plan** : 2014 - 2019
- Biometric voter registration**
- Gender policy/ Gender Unit**
- Electoral Education Information Centers (EEIC) at regional level**
- Mobile Voter Education kits**
- EDR**
- Mid term review/Exit strategy**

निर्वाचन सहायता परियोजना | Electoral Support Project (ESP)

Funded by 

Annex 18: International IDEA Presentation: The Growing Cost of Campaigning - Challenges to Regulation and Enforcement

INTERNATIONAL
IDEA
INSTITUTE FOR
DEMOCRACY AND
ELECTORAL
ASSISTANCE

The Growing Cost of Campaigning: Challenges to Regulation and Enforcement

International IDEA

Kathmandu, Nepal
30 November 2014

International IDEA

INTERNATIONAL
IDEA
INSTITUTE FOR
DEMOCRACY AND
ELECTORAL
ASSISTANCE

<http://www.idea.int/political-finance/index.cfm>

Funding of Political Parties and Election Campaigns: A handbook on political finance

Political Finance Database

Are you interested in how money in politics is controlled and regulated? Do you want to know how countries limit political parties' and electoral candidates' dependence on large donations or give equal access to public funds?

International IDEA's database on Political Finance is a leading source of comparative information on political finance regulations. It includes laws and regulations from 180 individual countries. [Read more](#)

[Flyer \(English, PDF\)](#) [Flyer \(Spanish, PDF\)](#)

About the database:

The database answers 43 questions on political finance within four broad categories:

1. Bans and limits on private income	2. Public funding	3. Regulations on spending	4. Reporting, oversight and sanctions
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Political Finance Regulations Around the World: An Overview of 180 Countries
International IDEA Database (available in English and Spanish)

About the database:

The database answers 43 questions on political finance within four broad categories:

1. Bans and limits on private income	2. Public funding	3. Regulations on spending	4. Reporting, oversight and sanctions
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Access the

- Customize
- Regional
- View data
- Country
- Region
- Question

2003 Political

International IDEA



One common development...

Expansion of Economic Globalization & Market Mechanism



Commercialization of Politics & More Expensive Campaigning

International IDEA



Examples of Campaign Costs

India Lok Sabha'14: INR 30,000 crores / USD 5 billion

(Source: Centre for Media Studies – official not available)

Indonesia Presidential'14: IDR 479 billion / USD 39 million

(Source: Official reports)

USA Congressional'14: USD 1.345 billion

(Source: Federal Election Commission; excluding 3rd-party spending)

USA Presidential'12: USD 1.322 billion

(Source: Federal Election Commission; excluding 3rd-party spending)

International IDEA



Problems with High Cost Campaigning

- 1. Greater incentive for obtaining campaign funds as much as possible (and by any means)**
- 2. Disadvantage opposition parties and women**
- 3. Greater temptation to abuse state resources**

Hence the need for **TRANSPARENCY**

International IDEA



Transparency of Funding Source

Required by UNCAC Article 7(3)

Promotes integrity of elections

Deters Illicit Funding

Facilitates oversight

Promotes fairness

International IDEA



Transparency in the World & SAARC Region

International IDEA's
Political Finance Database

International IDEA



Anonymous Donations to Political Parties Banned?



Yes (50.0%)
No (28.9%)
No, but specific limit (12.2%)

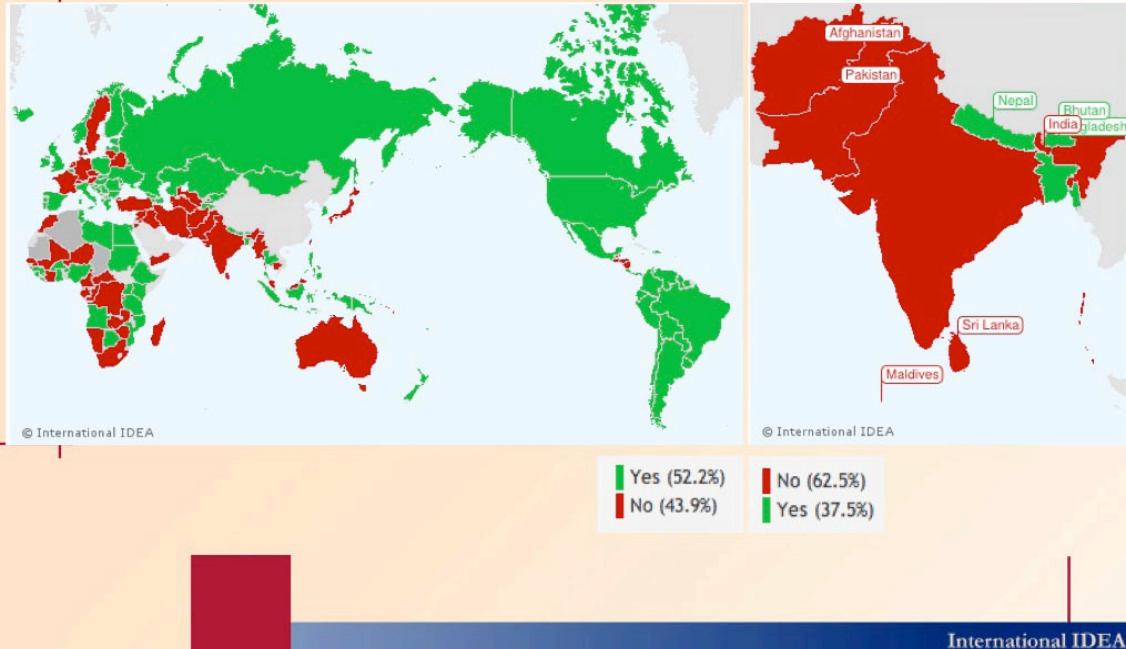


Yes (50.0%)
No, but specific limit (25.0%)
No (25.0%)

International IDEA



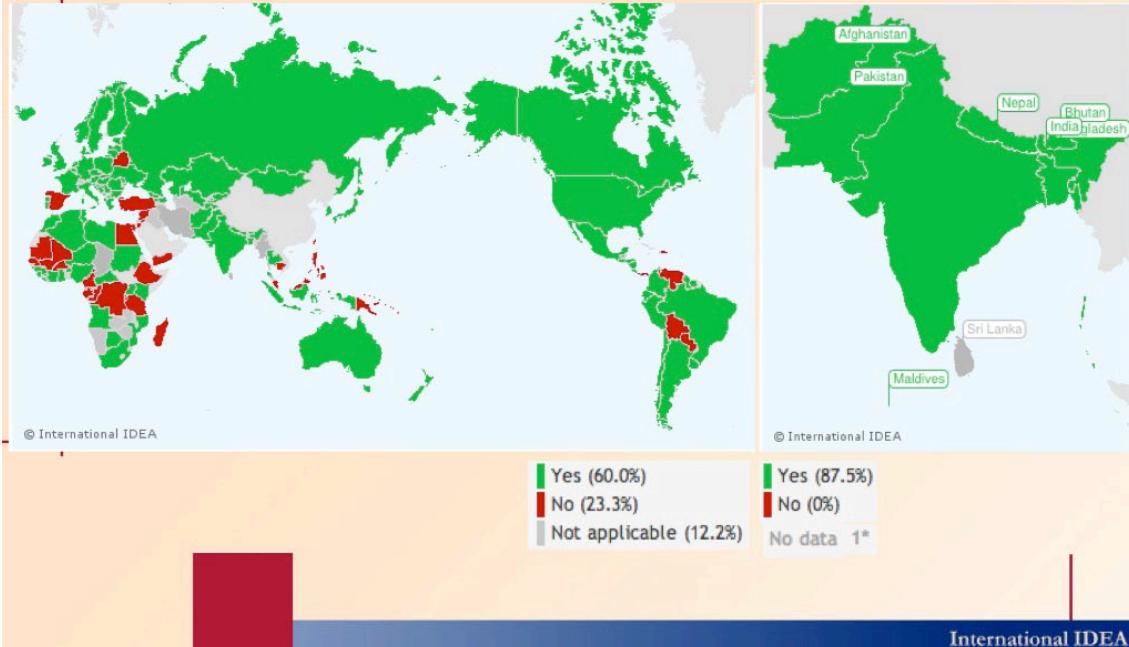
Political Parties must report their campaign finance?



Candidates must report their campaign finance?



Must reports be made public?



Recommendations

Regulation makers should:

- Define clearly how parties/candidates have to report, and which agency is responsible for oversight and sanctioning
- If a country lacks a system of public funding, consider introducing one
- Provide free or subsidized media access to alleviate financial pressures for PPs and Candidates.
- Consider earmarking a portion of public funding for female candidates or for enhancing gender activities within PPs



Recommendations

Monitoring and Enforcement Agencies should:

- Be independent.
- Try to communicate openly and provide transparency of the organizations' internal affairs – lead the transparency campaign by example.
- Bear in mind that monitoring has to include a gender perspective, such as in producing gender-specific aggregate data.
- Try to engage the wider public, which means the reports are widely available and comprehensible

International IDEA

