



12th National Parliament Election Process Tracking

(Executive Summary)

29 May 2024

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Acknowledgement

Our profound gratitude to our esteemed colleagues in the Research and Policy Division, Outreach and Communication Division, Civic Engagement Division and Finance and Administration Division of TIB. Special appreciation to Atiqur Rahman, Coordinator, Civic Engagement, and our CCC (Committees of Concerned Citizens) colleagues, whose direct and untiring assistance facilitated the data collection process. We are indebted to Dr. Iftekharuzzaman, Executive Director of TIB, and Professor Dr. Sumaiya Khair, Advisor Executive Management along with other members of the Executive Management Team for their continuous guidance to this research. Our appreciation goes to Dr. Muhammad Shuaib, former Professor of ISRT of Dhaka University and a renowned statistician, whose input ensured scientific rigor and methodological excellence in this study. His thoughtful guidance and opinions enhanced the reliability of our research methodology and thereby the findings. Our special gratitude to Muhammad Badiuzzaman, Director, Research and Policy (R&P) Division for his support in reviewing and editing to enhance the quality of the report. The report is also enriched through rigorous reviewing and editing of Shahzada M. Akram, Senior Research Fellow, R&P, TIB. We are thankful to him. We are also grateful to the team of research assistants for their hard work and continuous support throughout the research. We also express our deepest appreciation to the respondents and participants whose invaluable information and suggestions enriched this research, making it a comprehensive and insightful.

Primary Report Released: 17 January 2024

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Executive Summary

1. Background and Rationale of the Study

- A free, fair, and impartial for all, transparent, participatory and competitive with level playing field for election is a prerequisite for an effectively functional parliamentary democratic system.
- The government and political parties have undertaken various institutional and political reforms since the 1990s to hold acceptable elections.
- To make the electoral system more participatory and robust, amendments of relevant laws, including the reform of the Election Commission, had been taken place from time to time.
- Irregularities, violations of election code of conducts and the controversial role of stakeholders in conducting previous parliamentary elections have led to various challenges in organising acceptable elections to all. (TIB 2007, 2009, 2018)
- There were various challenges in creating an environment for elections, including ensuring the participation of opposition parties in the national elections.
- Public concerns about the election due to weaknesses in the electoral system, including repeated controversial amendments to the Representation of the People's Order (RPO), controversy over the registration of political parties and observers.
- As part of continuation of previous studies on the election commission and electoral system, TIB conducted the study.
- There is a research need to track the 12th National Parliament election process, including the participation of major political parties, assessing the role of relevant stakeholders, the compliance to the laws and election code of conducts by the contesting candidates.

2. Objective of the Study

To track the extent to which the electoral process of the 12th National Parliament Election is free, fair, and impartial for all, transparent, participatory and competitive with level playing field.

Specific Objectives

- To assess the role of key stakeholders in ensuring free, fair, and impartial for all, transparent, participatory and competitive with level playing field for the candidates
- To review the compliance of election laws and code of conducts by the participants in the electoral process; and
- To analyse the election campaign expenses of the candidates participating in the elections.

3. Methods, Data Source and Sampling

A mixed method approach is applied where both qualitative and quantitative data and information is collected and analysed. Data is collected from both primary and secondary sources.

Source of primary data: The data is collected on the election-related activities of the candidates contesting for the parliamentary seats within the selected constituencies of the study.

Key Informant Interview (KII): Candidates, political party activists, law enforcers, returning officers and other election officials, including Electoral Tribunal Officials, local journalists, election observers, and voters in the sample constituencies.

- Survey on electoral experience of civil society representatives in the sample constituency.

Selection of sample constituencies

Fifty (50) constituencies are selected randomly out of 300 constituencies. Data is collected on three leading competing candidates and related stakeholders in each selected constituency.

Secondary data sources: Analysis of relevant laws and regulations, research reports, news reports, and articles published in newspapers and websites.

Tracking of Print Media: Compilation of data and information from two highest circulated Bangla and English newspapers.

Tracking Prime News of Television: Tracking news broadcasted in prime time (8 pm) of the state-owned channel BTV, and two other private television channels, considering the highest number of followers in social media.

Scope of the Study

- Observation and analysis of pre and post-election events (activities of Election Commission, political parties and other stakeholders in election-related affairs)
- Collection and analysis of data on the conduct and roles of political parties and candidates since the announcement of the schedule of the 12th Parliamentary Election
- Observation and analysis of the post-election events for one month until the submission of the election expenditure returns of the candidates.

Study Period

Field level data collection, analysis and drafting of the research report is completed during June 2023 to February 2024. Analysis and preparation of this final report is done based on the data collected starting from before the announcement of the election schedule to till 22 May 2024.

4. Information on Selected Constituencies

Applying random sampling technique, 50 constituencies out of 300 have been selected from 45 districts, and covering eight Divisions. The districts are Dinajpur, Nilphamari, Rangpur, Kurigram and Gaibandha of Rangpur Division; Bogra, Naogaon, Rajshahi, Natore and Sirajganj in Rajshahi Division; Kushtia, Jhenaidah, Jessore, Bagerhat, Khulna and Satkhira of Khulna Division; Barguna, Bhola, Barisal and Pirojpur of Barisal division; Jamalpur, Mymensingh and Netrakona of Mymensingh Division; Tangail, Munshiganj, Dhaka, Gazipur, Narayanganj, Rajbari, Faridpur and Gopalganj from Dhaka division; Sunamganj, Sylhet and Moulvibazar of Sylhet Division; and Brahmanbaria, Comilla, Chandpur, Lakshmipur, Chattogram, Cox's Bazar and Bandarban districts of Chattogram Division. Among them, maximum 11 seats are selected from Dhaka Division and least three seats from Sylhet Division.

5. Post-1991 National Parliamentary Elections: Political Perspective

Major political parties have taken opposit and confrontational positions from one another on the electoral system in previous National Elections of Bangladesh. For example, the position of BNP during 1996 national election was to organise it under BNP-led government. However, Awami League opposed the decision and demanded to install the caretaker government and organise the election under the Caretaker Government System. However, Awami League repeal of the Thirteenth Amendment related to the Caretaker Government system in 2011 and BNP demanded the elections to be held under neutral and non-partisan caretaker government. Therefore, it is important to understand the political background of the post-1991 parliamentary

elections of Bangladesh and the role of important actors to understand the scenario of 12th national election. The role of different actors are briefly presented below.

Table 1: Positions and Contradictions of the Main Political Parties on the Electoral System

Year	Major Political Events
1996	Awami League's movement to include the caretaker government system in the Constitution; Sixth National Election held despite opposition by Awami League; inclusion of Caretaker Government System by BNP-led government through Thirteenth Amendment of Constitution; the last retired Chief Justice was made the head of the caretaker government for holding Seventh National Election
2001	BNP-led Government amended constitution with the intension to get party-loyal head of caretaker government and increased the service age of judges of the Supreme Court; Awami League's started movement against the amendment; political crisis in 2006, including questionable voter list
2007-2008	President was appointed as the head of caretaker government during political crisis and subsequently resigned in the face of strong opposition; A military-backed caretaker government was formed and was in power for two years; reform of electoral system, preparation of voter list with photograph; initiation of dialogues by Election Commission with political parties; elections in 2008 with the participation of all political parties
2011	Question about the cartaker government system; Initiatives taken by Awami League led-government to annul caretaker government system mentioning conflict with the constitution; Repeal of the Thirteenth Amendment relating to caretaker government from constitution; Provision for holding parliamentary elections under a party-led government within 90 days before the expiry of the incumbent parliament; counter stance from opposition political parties, including BNP.

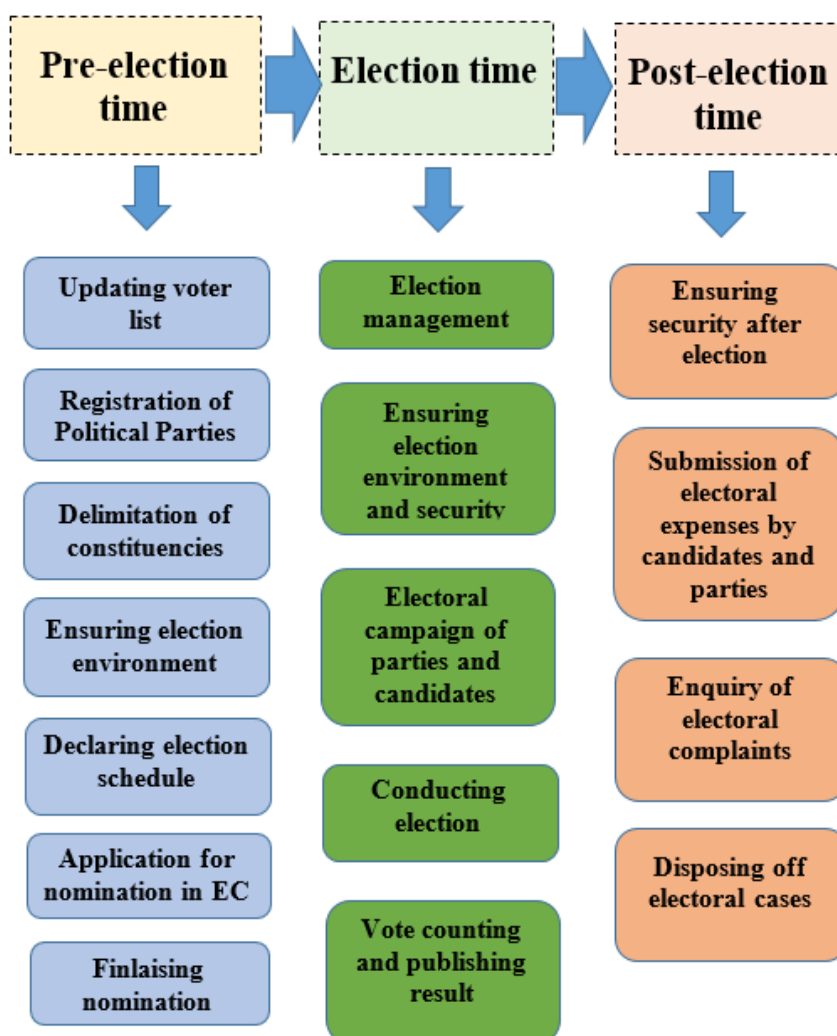
Table 2: Position of the Main Political Parties on Electoral System, and Role of the Election Commission

Year	BNP	Awami League	Election Commission
2014	Movement demanding election under a neutral and non-partisan caretaker government; Declare not to participate in elections under the political party-led government; boycott of election; Nationwide strike-blockade-violence	Formation of interim government led by the head of the Government, and Election under Awami League-led government without participation of main opposition; won in 153 constituencies without voting	No arrangement of dialogue; taking supportive position of the ruling party; holding elections amidst strike-blockade-violence; failure to hold participatory and competitive election; no opposition party in election
2018	Participated in Election under the Awami League-led government; won 6 seats; No confidence on the Election Commission and declaration of not attending any election under the commission	Position to hold the election under the political party-led government to adhere with the constitutional obligation; Election victory and government formation	Organising dialogues and brought major opposition parties to the election; RPO amendments and controversy on the use of Electronic voting machines (EVMs); Failure to ensure the level playing field for all parties; Allegations of irregularities, vote rigging and ballot box staffing at night before the polling day
2024	Postion taken to participate in dialogue and election if only the government resigns,	No compromise and no dialogue with political opponents; taking stance to	Holding dialogues with political parties without any agenda- rejection of 18 parties to attend the dialogue, including BNP; Taking a supportive

Year	BNP	Awami League	Election Commission
	forms a neutral caretaker government and agrees to hold election under a non-partisan government	organise election under Alwame League-led government; allowing independent candidates in all constituencies from own party in addition to party nominated candidates	position by the election commission saying that the commission has nothing to do to bring the opposition to the election, which includes not proposing constitutional changes to government for possible law reforms to ensure a neutral and conflict-free role of the Election Commission and election time government during the election period

6. Date Analysis Framework

The data of this study is analysed and presented by dividing the election process of Bangladesh into three phases; (1) pre-election period, (2) during election period, and (3) post-election period. At each stage, the role of the Election Commission, political parties, administration and other stakeholders, including the law enforcement agencies have been reviewed by considering certain activities.

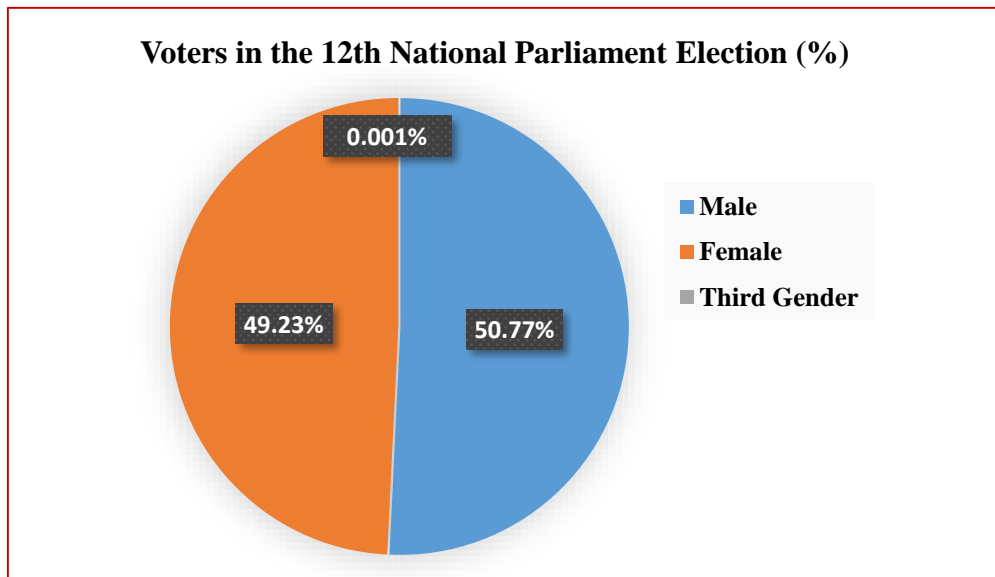
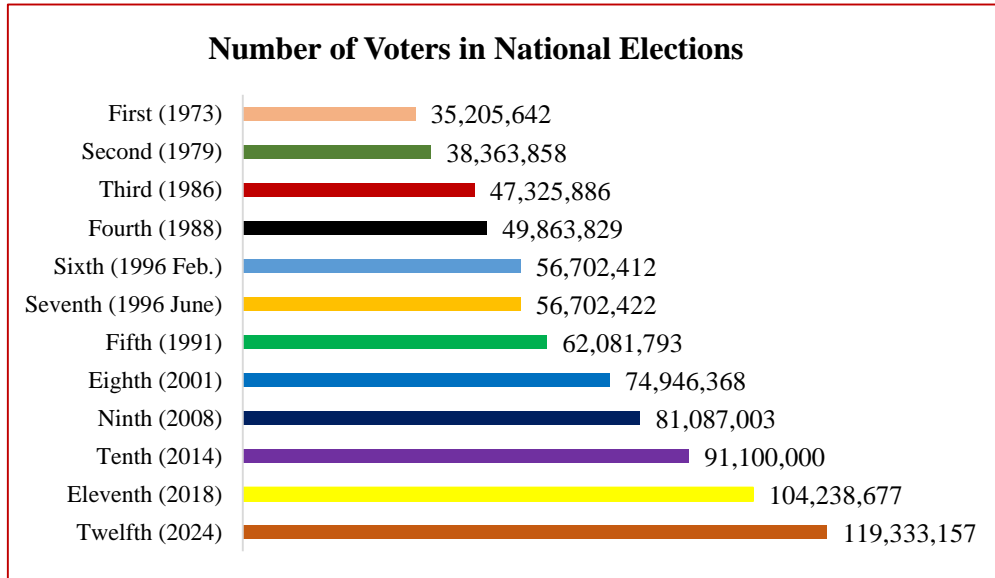


Study Results

7.1 Pre-election Time: Role of Election Commission

Updating Voter List

On May 19, 2022, work on updating the voter list began; according to the latest voter list, the total number of voters across the country is 11 Crore 93 lakh 33 thousand 157. An increase of 1 crore 54 lakh 52 thousand 956 voters in five years was recorded. However, there are controversy on the increasing percentage of voters by two-times compared to 11th National Election.



Re-demarcating the Constituencies

- The boundaries were re-demarcated before the last three national elections starting from 2018, considering population density. However, the boundaries of most constituencies were kept unchanged considering administrative and geographical integrity before the 12th Parliamentary Election.

Table 3: Considerations in Re-demarcating the Constituencies

National Elections	Considerations in re-demarcating the constituencies	Number of re-demarcated Constituencies
2008 (Ninth)	Population density	133
2014 (Tenth)	Population density	40
2018 (Eleventh)	Population density	25
2024 (Twelfth)	Administrative and Geographical Integrity	10

- To resolve complications, the Election Commission was given unimpeded power to determine the boundaries of constituencies through passing the 'Delimitation of Constituencies Bill in 2021- no opportunity to question the demarcation related matters before court or any other authority in the country
- 198 constituencies were re-demarcated in the last three national elections, creating political controversy followed by lawsuits and legal complications by local people
- 186 applications (60 to upheld and 126 with objections) came to the Election Commission against its proposal to re-demarcating 38 constituencies in 2023- finally re-demarcated only 10 constituencies controversially, leaving a large difference in population across the constituencies
- According to the internationally recognised guidelines, there is a standard of demarcation of the seats with the highest population by keeping the average population difference of at least 5 percent. However, it is determined by keeping the deviation by 26 to 88 percent in Bangladesh. Consequently, some constituencies can represent a large population (more than 8 lakhs) by MPs, while other constituencies in the same district have smaller populations (3 lakhs) represented by MPs
- Due to the large population gap, there are complications in constituency-wise electoral expenditure and other activities.

Registration of New Political Parties

- Applications for registration of new political parties were invited in May 2022; 93 political parties applied for registration. Out of them, 18 applications were recommended for cancellation, and 2 were withdrawn; 77 parties were given 15 days' notice to submit detailed documents. Primarily, 12 parties were selected. 10 parties were not given registration based on invalid field-level information
- Registration of two new political parties- known as "King's Party"- are given in favour of Bangladesh Nationalist Movement (BNM) and Bangladesh Supreme Party (BSP)
- Questions raised about the eligibility and fulfilment of the registration conditions
- Allegedly inadequate field-level information is collected by Election Commission for verification, while the parties do not have local offices
- On the other hand, there are allegations of not providing registration to some political parties despite meeting the registration conditions. Questions raised about the commission's impartiality regarding the registration of new political parties.

Build Confidences on Election Commission

- Announcement of roadmap for the 12th National Parliament Elections by the Election Commission on September 14, 2022 – a total 14 challenges were identified to organise a free, fair and participatory election
- Commissions proposal to amend the RPO on the grounds of making the Act more explicit; taking position in favor of the government's decision despite curtailing the commissions power
- The amendment of section 91(Kha) of RPO replacing the word “elections” with “polls”

- Addition of new sub-section under section 91 (inclusion of sub-section curtailing the power of election commission to suspend or cancel the results of the entire constituencies)
- Through the amendment, Election Commission was granted less authority and power to suspend or cancel the full results of a particular constituencies and retained only the power to cancel the vote of the concerned center on the ground of irregularity
- Increasing the opportunity of participation of bill and loan defaulters in the election; allowing candidates to submit copies of bank loan and service bill payments till the day before the submission of nomination papers and encouraging bill and loan defaulters to participate in the election
- Not using the power or mandate of Article 126 of the Constitution to resolve the political crisis given to the Commission to make elections participatory and fair
- Playing inactive role in arrest, remand, denial of bail etc. in new and old political cases against opposition party leaders and workers
- Sending invitation letter in locked central office of BNP for dialogue before the announcement of election schedule
- Providing controversial, self-contradictory, alike statement of ruling party and evasive statements by Election Commission and Commission officials
- "Election environment does not prevail, however holding the elections for constitutional obligation"
- "The pressure stemming from 2014 and 2018 election is on EC"
- "Arrest polling agents six months before or after election"
- "Receiving all kinds of help from the government for fair elections" "Participation of voter means participatory" "the election will be legally valid if one percent vote is casted"

'If the potential polling agents are arrested after supplying the list to the Election Commission, then it would be understood that it is done with different intension and motivation..... We will repeatedly tell the government that if they have to arrest the polling agents, arrest them six months before the election or after it.' - Chief Election Commissioner regarding the arrest of political leaders of the opposition party

Conducting Election Campaign in Unauthorized time

- Initiation of campaign three weeks before the authorised campaign period breaching the electoral code of conduct by the ruling political party
- Holding rallies by potential candidates, showdowns, meetings and use posters-banners before the authorised campaign period; no effective action taken by election commission. Evading responsibility by Election Commission stating that "those who violated electoral code of conduct are not final candidates"

Reluctance to Consider the Recommendations Received in the Dialogue

- No measures was taken by commission to put forward the agenda, related to constitutional changes, for discussion with political parties to ensure the participation of all political parties in the election
- Sent 17 articles related to the RPO to the Law Ministry for amendment by the commission chief on its own initiative, however, none of them were recommendations related to political and constitution changes, that were received during the dialogue with political parties and CSOs
- According to Article 126 of the Constitution, all executive authorities are advised to assist Election Commission related to election. However, no formal process was initiated by Election Commission to inform government about the necessity of political and constitutional reforms
- Organising dialogues with political parties without specific agenda resulting to boycott the dialogues by 18 political parties, including BNP
- Lack of significant steps by the commission to ensure the participation of political parties those boycotted the election dialogues- no action taken by the commission to discuss issues

related to bringing the neutral election time government; taking ministries under the commissions' jurisdiction during election period; stopping political harassment cases against the opposition leaders, installing cameras in polling stations, and so on.

- Allegations of not implementing the decision to install CC cameras in polling booths under the pressure of ruling party MPs
- Commission's controversial and reverse stance on the use and purchase of EVMs in national elections
- Disregarding suggestions and recommendations made in dialogue with relevant CSOs

Election Observers' Registration

- Lack of transparency in registration process
- Registration of 96 national organisations for observing 12th National Parliamentary Election is done without verifying the experience of most of the observers
- Enlisting organisations with no observer experience, and enlisting organisations of individual associated with partisan politics
- Controversy on the qualification of foreign observers- evading responsibility by Commission claiming that the Ministry of Foreign Affairs is responsible for checking the observers' credential.

Ensuring the Presence of Foreign Observer

- Election Commission failed to ensure the presence of maximum number of foreign observers from the countries and organisations
- Only 9 countries decided to send official observers
- The European Union (EU) did not send full observer team due to the ambiguity in fulfilling the necessary terms and conditions for free and fair election. EU made the decision based on the recommendation of the pre-election observation team
- Decision by a number of countries, including the United Nations, the United States, the United Kingdom and Canada not to send observers officially

Table 4: Election-wise Attendance of Observers

National Elections	Number of Local Election Observer Organisations	Deployed Representatives by the Observer Organisations	Total Number of Foreign Observers
2001 (Eighth)	69	2,18,000	225
2008 (Ninth)	138 (observed by 75 observer organisations)	1,59,113	593
2014 (Tenth) *	-	-	-
2018 (Eleventh)	81	25,900	169
2024 (Twelfth)	96 (observed by 84 observer organisations)	20,773	127

* Data was not found

7.2 Pre-election Period: Role of Other Stakeholders and Political Parties

Pre-Election Period: Role of Ruling Party

- Adopting strategies by ruling party to create obstacles in political activities of opposition parties to keep away them from election
- Providing various conditions in meetings and gatherings- arresting opposition leaders and workers and filing cases, allegedly for political harassment
- Accelerating juridical process by holding nighttime hearings in the court and rushing to finish trials of cases against opposition members before the election
- According to BNP's complaint, 1 lakh 38 thousand 71 cases were filed against leaders and activists till July 2023; 40 lakhs accused, and 27 thousand leaders and activists arrested, 11 thousand cases and 98 thousand 953 accused during July-December 2023.

- Allegation of arresting and sentencing the potential election candidates cum leaders from opposition party in new and old cases using the state institutions before the announcement of the election schedule
- Information related to tactics used to bring opposition party leaders to election by applying pressure and offering release from prison

Creation of New Political Parties

- Formation of new parties to demonstrate participatory elections; forming new parties under the leadership of leaders, splitted from opposition party, and allowing some small parties to participate in elections
- Alleged formation of two new parties ('King's Party') with the help of the government with the leaders and workers of the opposition parties that boycotted the election
- After the announcement of the election schedule, the small-scale headquarters of newly formed parties suddenly moved to a large-scale luxury buildings in the elite area of the capital; Ambiguities and questions regarding the costing and operation of local-level temporary offices of the newly formed parties
- There are allegations of tempting opposition leaders with financial and other benefits to join newly registered parties, even intimidating and arresting in old cases; release of audio, in some cases, tarnishing characters of the leaders refusing to join newly formed parties
- Meeting between ruling party leaders and leaders of newly formed parties and expressing satisfaction by leaders of newly formed parties about government's assistance in election preparation
- Shortage of own leaders and workers and offering leader from other political parties to participate in the elections by accepting nominations from the newly formed parties
- Boycotting the election by the opposition parties, including BNP and subsequent announcement of strike and blockade program with call to voters not to go to the polling stations and abstain from voting.

7.3 Pre-Election Period: Announcement of Election Schedule

The Election Commission announced the Election schedule for 12th National Election on November 15, 2023. The election schedule is given below;

Table 5: Stages of 12th Parliamentary Election, deadlines and relevant information

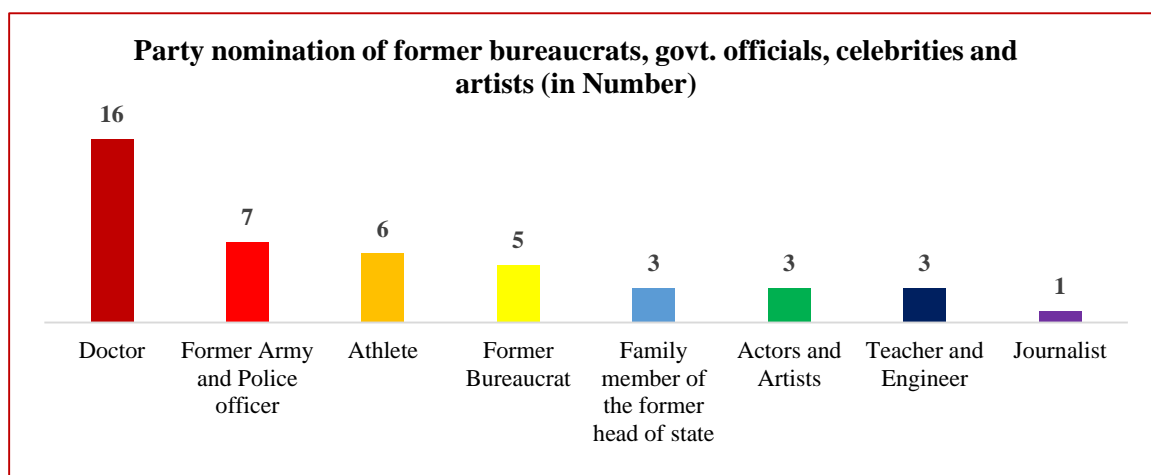
S.L	Various Stages of 12th Parliamentary Election	Deadline	Number/Parties/Candidates/ Days
1	Registered political parties participated in the election		28 Parties
2	Announcement of election schedule	15 November 2023	-
3	Deadline for nomination submission	30 November 2023	2,716
4	Nomination papers scrutiny	1-4 December 2023	-
5	Cancelation of nomination	"	731
6	Time for appeals	6-15 December 2023	561
7	Candidacy returned upon court verdict	"	76
8	Deadline for withdrawal of nomination and withdrawal	17 December 2023	457
9	Number of valid nominations	"	1,979
10	Number of candidates nominated by political parties	"	1,533
11	Independent candidate	"	446
12	Allocation of symbols	18 December 2023	
13	Time for campaign	18 December 2023 to 5 January 2024	18 Days
14	Polling day	7 January 2024	1,895

7.4. Pre-Election Period: Verification of Candidate's Affidavit Information

- According to the affidavit information of 12th National Parliamentary Election
 - Number of total valid candidates 1,979 of which over 22 percent were independent candidates (446)
 - Significant number of business man (57 percent) and millionaires (164) participated in the election as candidates
 - Abnormal growth in intangible assets of many candidates over a span of 15 years
 - Significant increase in the number of millionaire candidates - 18 candidates who own hundreds of crores of taka
 - A significant majority of the candidate owns land more than the legal limit of 33 acres (maximum 813 acres)
 - About 27 percent of the candidates have debts or liabilities
 - 170 candidates have court cases against them
- According to the law, the nomination should be cancelled if wrong or false information is given in the affidavit. Still, the Election Commission (EC) did not properly verify the information provided in the affidavits by the candidates within a short period after submitting the nomination papers
- EC failed to verify the accuracy and adequacy of other information, including income-expenditure, assets, debt, and liability statements given in the affidavits and the extent to which the income and assets were acquired through legitimate means

7.5 Pre-Election Period: Nominations

- Party nominations are given to professionals, celebrities, former government officials, and their family members



- A total of 150 former government officials, including doctors, army and police officers, bureaucrats, former state officials and individuals who previously helmed crucial state responsibilities and their family members applied for nominations from the Awami League. Amongst them, Awami League gave party nomination to 40 individuals.
- Celebrity cricketers, actors, and artists have been nominated
- The norms and the process of nominating candidates based on local-level committee recommendations was not followed. All candidates' nominations had been decided through interviews at the central level

Reason for Rejecting Nominations

- A total of 2 thousand 716 candidates submitted their nomination papers in 300 seats in the 12th Parliamentary Election. Returning Officers canceled the candidature of 731 candidates after reviewing and verifying the nomination papers. After cancellation, the number of valid candidates stood at 1 thousand 985.

- The majority of the nominations were rejected during primary screening, and some were rejected considering the appeals from the rival candidates
- Causes of rejection includes – loan and bill defaulting, filing incomplete nomination papers, concealment of information in affidavits, providing false information, disputes with party committees, false signatures of independent candidates in one percent voter list, dual citizenship etc.

Tactics to Organise a Competitive and Festive Election

- In absence of 15 registered parties, including the BNP, in the election, various strategies were taken by the ruling party to increase voter turnout and demonstrate the election as participatory, competitive, and festive
- Seat-sharing and prior-agreements were made among Awami League, Jatiya Party and some other coalition parties
- Strategies were taken to keep loyalists in the opposition from independent candidates and coalition parties
- Awami League withdrew its candidates from 32 constituencies, including 26 for the Jatiya Party, by writing an official letter to the Election Commission even though they were not part of the alliance led by Awami League.

Independent Candidates of Awami League in Each Constituency

- In addition to seat sharing and prior-agreements with opposition, independent candidates for Awami League are declared in each constituencies from leaders deprived of party nomination to participate in the election by disobeying the party constitution and discipline
- As a result, more independent (Awami League) candidate than Awami League nominated candidates participated in the election- 269 were independent and 266 party candidates
- Opposition of the decision to provide independent candidate from Awami League by its own leaders and supporters; violent confrontation and fighting between independent (Awami League) candidate and Awami League nominated candidates during campaign

8. Election Period

Election Period Campaigning and Election Code of Conduct

- Emphasis was given on ensuring at least 50 percent voter turnout by the ruling party
- Those involved in the election duties, including the Ansar VDP members, are instructed to ensure the presence of their family members at the polling stations during the election day
- Threatening to cancel the benefits of public services and social safety net programmes for marginalized and underprivileged people, including the general voters
- Threatened to omit the names from the list of beneficiaries of allowances under social safety net schemes if they miss attending the election meetings and campaigns of the ruling party and vote for a specific symbol
- Local government institutions, Union Parishad, Upazila and City Council officials threatened to stop various services to the people, including cutting electricity, water and gas connections if they do not vote for the designated symbol (Boat)
- Identification of the beneficiaries and seizure their safety net programme cards
- Threatening opposition party supporters including, BNP supports, to remove their names from the beneficiary list of social safety net programmes if they do not go to polling stations
- Forcing ordinary voters to go to polling stations and vote for ruling party

Compliance with Service Rules & Election Code of Conduct by Govt. Officials

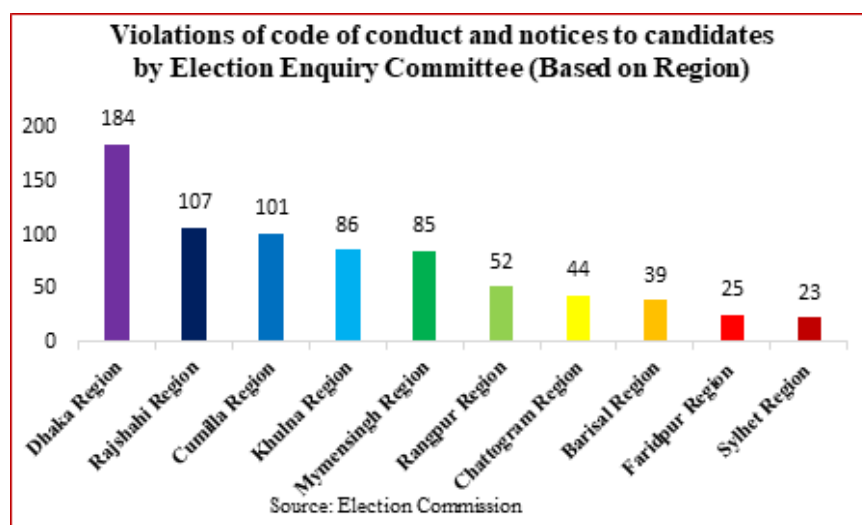
- Loyalty to the ruling party and partisan activities by government officials- public pledge and political comments in support of the ruling party and their candidates; City Corporation Councilors are urged by the police to take initiatives to bring voters to the polling stations
- Govt. officials participating in campaigns of ruling party candidates, violating the service rules; participation of returning and polling officers, officials from law and enforcement and administration in political activities of the ruling party candidates and urging to vote in political processions
- Participation of Govt. officials and employees in the campaign in favor of former bureaucrats and govt. officials, including Ministers, MPs who are contesting in the 12th National Election
- Use of government facilities and resources in elections and campaigns; dissemination of election news by Public Relations Officers of Ministries on behalf of Ministers
- At the District and Upazila level, Govt. offices participated in various activities, including campaigning, disseminating and sending election related news
- Violation of Government service rules by Govt. officials and employees through engaging in election activities on behalf of candidates of the ruling party and no disciplinary action by relevant Ministries
- Flexibility of Election Commission in view of violation of election code of conduct
- Using the permission of Election Commission, prolific transfer of government employees- transfer of government officials, including Deputy Commissioner; and appointment of Assistant Upazila/Assistant Thana Election Officer by the Commission

Candidate's Compliance to the Code of Conduct during Election Campaign

- Violation of various codes of conduct by Ministers, MPs, party nominees and independent candidates – Conduct election campaigning before announcement of election schedule, submission of nominations by showdowns, participation in public receptions, canvassing for votes at street meetings using mike and loud speakers
- Higher number of violation of code of conduct among the Awami League nominees including running parliamentarians
- According to Election Commissions data, 746 show-cause notices were issued by Election Inquiry Committee in alleged violation of election code of conduct; among them, 91 Awami League nominated candidates; 52 sitting parliamentarians, and Ministers and 153 independents and other candidates
- No jurisdiction to inquire the violations of Code of Conduct by the Election Inquiry Committees

consisting of Judicial Magistrates. They are authorised only to make recommendations to the Commission

- Considering the election related-irregularities, first-class judicial magistrate ran instant trials and settled sixty-one cases with various punishments.



Compliance with Election Campaign-related Code of Conduct by the Candidates

- Election-related violence occurred between Awami League nominees and independent candidates (Awami League). It includes hacking to death of worker of independent candidate, attacking houses, shooting and burning, attacking convoys, attacking camps, preventing opposing campaigns, tearing posters, vandalism of vehicles etc. A total of three deaths were reported during the election campaign phase.
- Attack on independent candidate, including women candidates and the business institution of the worker also occurred
- There are allegation of using local administration by the current parliamentarians of Awami League
- There are allegations against the police and administration for working on behalf of a particular candidates
- Complaints of independent and other candidates and their workers-supporters are ignored; there are allegation of not accepting the case at the police station.

Control of Money and Muscle Power

- There are instances of illegal transactions by candidates in different constituencies, intimidation of journalists and opposing candidates; complaints of illegal money transactions, including vote buying in some constituencies by sitting parliamentarians and candidates of the ruling party
- Lack of level playing field and failure to withstand against the influence of illegal money and undue power of the opposition candidate- withdrawal from the election by alliance and independent candidates
- Indifference of administration and law enforcement agencies to curb illicit money and muscle power and stopping violence- limited operation in confiscating illegal arms

Use of Information Technology in Election Campaigns

- Conducting campaign of various development activities done by ruling party through mobile SMS
- Conducting digital campaign and advertisements by candidates on Facebook and social medias - advertisement of the candidates of some constituencies on Facebook
- Conducting election campaign using social media after the end of the authorized campaign period
- Use of artificial intelligence (AI) in elections and information for misleading voters through deep fakes – no legal action taken by Election Commission and concerned actors
- No provision in RPO with restrictions regarding election campaign and the relevant expenses in social medias, including Facebook
- Use of laminated plastic posters in election campaign disobeying special instructions given by the Commission to not to use such posters

Election Phase: Election Management and Expenditure

- A total of 9 lacs 9 thousand 529 personnel from public, private employees and administration and 7 lacs 47 thousand 322 personnel from law enforcement agencies are engaged in election management
- 1,455 Executive Magistrates and First-Class Judicial Magistrates were responsible for monitoring and managing complaints while 300 Election Inquiry Committees was formed
- Polling Centers: 42,024 polling centers and 2 lacs 61 thousand 565 polling booths were prepared across the country; among them 10,300 centers (24.4%) were designated as risky and most important
- Election Expenditure: Total election budget is BDT 1,445 Crores which increased to BDT 2,276 Crores as reported the media; the expenditure was BDT 700 Crores in 2018, BDT 300 Crore in 2014, BDT 200 Crore in 2008.

- Three-fold increase in expenditure compared to previous national election - experts suggested this as the most "costliest election so far"
- In the previous elections, officials performing polling duties were given honorarium for only one day, whereas in the 12th National Election, polling officers were given honorarium for two days. Magistrates and officers of equivalent positions were given honorarium for five days and law enforcement officers were given for 13 days.
- There is no clear explanation of spending more than half (54 per cent) of the total election budget for law enforcement agencies.
- Dissatisfaction among officers over the disparity of honorarium in carrying out electoral duties

Election Phase: Campaign and Electoral Code of Conduct

From December 5, 2023, to January 5, 2024, the total time spent on election-related news on BTV at 8 pm is 493 minutes and 27 seconds and the estimated total financial value is 4 crore 44 lakh 10 thousand 500 taka. BTV is used to broadcast the news of the ruling party's campaigns and meetings.

Table 6: Election Campaign Information on BTV's 8PM News during Election Period

Person/ Institution	Time spent before the approved campaign period (5 - 17 Dec 2023)	Time spent during allowed campaign period (18 Dec 2023 - 5 Jan 2024)	Total time spent	Estimated* total cost (BDT)	Estimated total cost (%)
	(1)	(2)	(1+2)		
Prime Minister	17 minutes 55 seconds	89 minutes 25 seconds	107 minutes 20 seconds	96,60,000	21.8
Minister, Road Transport and Bridges Ministry	50 minutes 16 seconds	65 minutes 35 seconds	115 minutes 51 seconds	1,04,26,500	23.6
Minister, Ministry of Information and Broadcasting	43 minutes 14 seconds	63 minutes 56 seconds	107 minutes 10 seconds	96,45,000	21.8
Election Commission	9 minutes 48 seconds	33 minutes 51 seconds	43 minutes 39 seconds	39,28,500	8.9
Election Campaign (Other)**	4 minutes 35 seconds	95 minutes 20 seconds	99 minutes 55 seconds	89,92,500	20.3
Other political party related news	1 minute	16 minutes 22 seconds	17 minutes 22 seconds	15,63,500	3.5
Total	122 minutes 27 seconds	371 minutes or 6 hours 11 minutes	493 minutes 27 seconds	4,42,15,500	100.0

* As per Terrestrial Broadcast Advertising Rates published on BTV website and considering per 10 seconds of 'Spot Advertisement' category aired between 'Peak Time' News.

**Awami League candidates got a dominant coverage in campaign footage

Monopolistic Use of State-owned Broadcasting Channel (BTV) by Ruling Party

- Monopolistic broadcasting news related to the ruling party's campaigns and meetings
- Widespread media coverage of development activities done by ruling party within the authorized campaign period
- Lauding the narratives through dissemination of information that Election Commission is independent and capable of holding fair and participatory elections

Adoption of Favorable News Frame to Supplement Ruling Party's Narrative on Election Issues by Private TV Channels

- Private TV Channels emphasized in covering news of strike-blockade-fire and election boycott and identifying certain political party as a threat to democracy
- Promotion of the government's development activities and campaigning of Awami League nominated and independent candidates (Awami League) in the elections
- Portraying a competitive, participatory and festive electoral environment; Widespread coverage of celebrity candidates' campaigns
- Focusing on the Election Commission's ability to hold free, fair and participatory elections

Election Phase: Election Day

- The main opposition party, BNP, announced a strike on election day, boycotted the election, and encouraged voters not to go to polling stations
- Fires in 21 centers in 14 districts on the night before the election; Violence and 1 person killed in 6 districts on election day
- Polling held in 299 constituencies; election postponed in Naogaon-3 constituency due to death of a valid candidate
- Absence of polling agents for candidates of parties other than Awami League and independent candidates in most centers across the country; Applying threats and preventing agents of specific candidates from entering the center
- Candidates from Awami League, independent as well as coalition party complained of various irregularities, creation of dummy lines, forcing out the agents of other candidates from centers, ballot-stuffing before the starting of vote, ballot-stuffing during the vote etc.
- Polling in 21 centers of 9 constituencies is temporarily suspended; results also suspended due to irregularities in a center of a seat in Mymensingh
- Impeding the flow of information; impediments to accesses 4 online newspapers during and immediate before the election day
- Allegations of poll rigging and irregularities by 4 Awami League candidates, 15 independent Awami League party candidates, 2 candidates from alliance parties and 25 Jatiya Party candidates who participated the symbol of Awami League
- Vote boycotted by 42 candidates in 13 constituencies; Out of these, 5 constituencies of the Jatiya Party and 5 constituencies of independent candidates;
- The election commission reported that 26.37 percent of the votes were counted till three in the afternoon on the day of the election; A total of 41.8 percent of votes were declared with another 15.43 percent in the next hour; however, there are controversy over the declared rate of vote casting
- Awami League candidate both in Mymensingh and Naogaon constituency won the election where election result and election was postponed respectively.
- Overall, Awami League won 224 seats, Independent Candidates 62, Jatiya Party 11, Kallyan Party 1, Workers Party 1, and Jasod 1. According to Election Commission data, Awami League got 65 percent, independent candidates 24 percent and Jatiya Party 3 percent of the vote casted in 12th National Election
- Despite efforts, such as allowing independent candidates form own party to contest as candidate, to show the election competitive and participatory, the elections were not competitive in most of the constituencies. According to media reports, there were no much competition in 241 constituencies in particular. Analysis based on the vote casted during the election shows:
 - the average vote difference between the winner and the closest competitor was 82,593 in 299 constituencies
 - The average vote difference between the winner and the closest competitor was 100,314 where the minimum difference was 19,066 and the maximum difference was 293,780 in 241 constituencies.

- Comparative analysis on the casted vote and vote difference between the winner and the closest competitor shows that the vote difference is 57% of the casted vote in 241 constituencies.
- The election system was transparent and orderly according to observers from countries of Japan, Russia, China and India
- On the other hand, various countries, including the United States, the United Kingdom and the United Nations and some international organizations and media criticized the election process

9. Post-Election Phase

Post-Election Conflict and Violence

- After the election, a total of 345 election-related clashes occurred in 41 districts; more than four hundred homes and businesses of opposition leaders, activists, and ordinary voters were attacked, vandalised, set on fire, and looted. In the constituencies, 7 people were killed and 696 were injured
- Minority communities, such as Hindus, Buddhists, and Bede were attacked due to reasons such as abstaining from voting, supporting the opposition during campaign phase and voting for the opposition. Law enforcement agencies allegedly remained reluctant to prevent such violence in some areas.

Investigation of electoral complaints and resolution of electoral cases

- A total of 746 show cause notices were issued to candidates by the Election Commission; among them, over 150 were Awami League candidates, including 80 MPs of the 11th Parliament.
- However, 311 complaints were not investigated after passing five months of election. There are allegations that the Election Commission has given low priority on resolving complaints since the election is over.

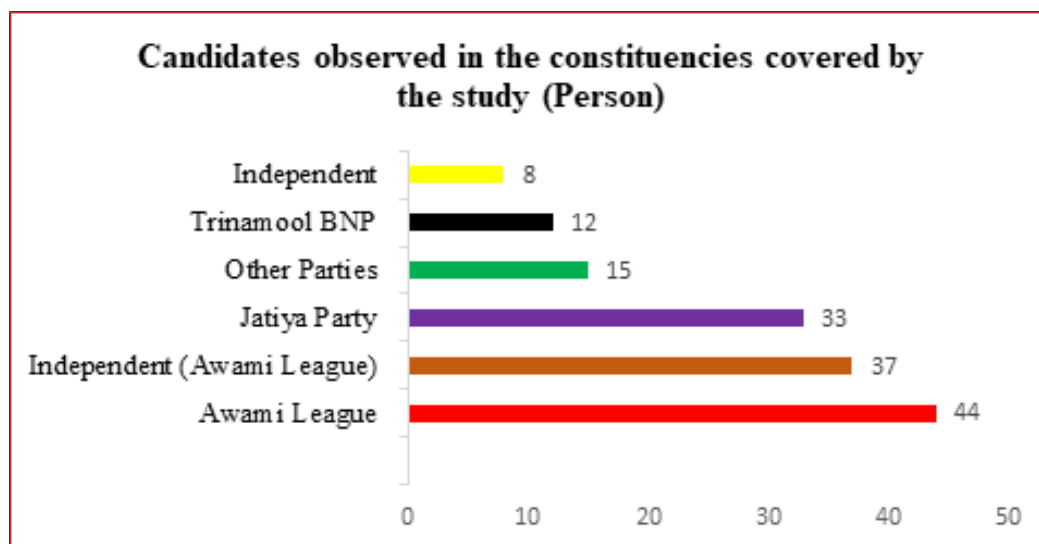
Submission of election expenditure reports

- The majority of candidates and political parties involved in the election, failed to provide verified election expenditure reports to the Commission within the stipulated time mentioned in the RPO
- Despite this, the Election Commission did not impose penalties on those who violated the RPO nor did it publish the expenditure reports, received from the candidates, on its website.

Scenario in 50 Sample Constituencies

10. Socio-economic Aspects of the Candidates in 50 Sample Constituencies

- Data of 149 candidates from total 50 sample constituencies are collected in included in the study
- The candidates included in the study have an average of 30 years of involvement in politics (a minimum of 1 and a maximum of 57 years)
- There are criminal cases against 18 candidates - all of them are Awami League
- 54 percent of the candidates have not participated in any National Elections before



Election Phase: Violation of Code of Conduct in 50 Sample Constituencies

- Hundred percent of the candidates nominated by the Awami League violated the election code of conduct
- The majority of the independent (Awami League), independent, and other parties have violated the election code of conduct
- Among the code of conduct violated are-
 - Plastering posters on walls, poles, vehicles etc.
 - Organise processions with vehicles and torch, public gatherings, and showdowns
 - Submission of nomination papers with more than five supporters
 - Starting campaign before the scheduled time

Table 7: Violation of Code of Conduct in 50 Constituencies (party-based)

Political Parties	Percentage of violation of electoral code of conduct at least once
Awami League	100.0
Independent (Awami League)	97.3
Independent	87.5
Jatiya Party	84.9
Other Parties	80.0
Trinamool BNP	75.0

Table 8: Violation of Code of Conduct in 50 Sample Constituencies

Violation of Electoral Code of Conduct	Awami League (%)	Independent (Awami League) (%)	Jatiya Party (%)	Trinamool BNP (%)	Other Parties* (%)	Independent (%)	Overall Candidates (%)
Posters plastered on wall, pillar, vehicles	79.6	75.7	54.6	42.0	47.0	62.5	66.0
Procession (motorcade, torch relay, showdown, etc.)	88.6	73.0	39.4	25.0	27.0	37.5	60.0
Filling of nomination paper accompanying more than five people	79.6	64.9	36.4	17.0	20.0	50.0	54.0
Campaign three weeks before the polling day	65.9	70.3	42.4	33.0	27.0	25.0	53.0
Procession or showdown during filling of nomination paper	72.7	59.5	33.3	0	20.0	37.5	48.0
Posters without the name of printers, address, date	50.0	27.0	33.3	25.0	40.0	75.0	39.0
Campaign using microphone beyond the allowed period of 2 pm to 8 pm	50.0	43.2	30.3	08.3	20.0	25.0	36.0
Campaigning in worshiping places	50.0	46.0	18.2	08.3	13.0	37.5	34.5
Disrupting public movement through organising street meeting or building stages	59.1	37.8	15.2	0	0	37.5	32.0
Setting up more than one camp/office in a Union/ Ward in Municipality or City Corporation areas	48.8	43.2	12.1	0	06.7	50.0	31.0
Use of force or bribery to influence voters	40.9	48.7	12.1	0	0	25.0	28.0
Construction of Pandal bigger than 400 square feet and Lighting	54.6	24.3	12.1	0	06.7	37.5	28.0
Using shirts, jackets, waistcoats, in favor of candidate in campaign, or displaying the candidate's image or symbol	47.7	13.9	06.25	0	06.7	25.0	21.0
Install gates, arches or enclosures	53.5	16.2	03.03	0	06.7	0	21.0
Participation of government official or individuals enjoying public facilities in electoral campaign or campaign related activities	45.5	18.9	0	0	0	12.5	19.0
Giving or promising any kind of contributions or grants to any institution, openly or secretly, before the election	25.0	27.0	12.1	0	0	12.5	17.0

Electoral symbol bigger than three meters in length, width or height	45.5	10.8	03.03	0	0	12.5	17.0
Giving speech tarnishing personal image, provoking or promoting hate speech that harm gender or communal harmony or religious feelings	20.5	24.3	06.06	08.3	13.0	37.5	17.0
Obstructing opponents' campaigns, meetings and gatherings	38.6	16.7	0	0	0	25.0	17.0
Install election camps on roads obstructing public movement	30.2	13.5	12.1	0	0	0	15.0

*Multiple answers

Election Day irregularities in 50 constituencies

On the Election Day, multiple incidents of irregularities occurred in hundred percent of the constituencies under the study. Percentage of the irregularities found in the survey are presented in the below table (Table 9)

Table 9: Election Day Irregularities in 50 Constituencies

Type of irregularity	% of seats
Inaction by administration and law enforcement to prevent violations of electoral rules, laws, order, and irregularities	85.7
Not providing equal protection to leaders, workers and candidates from all parties	85.7
Communication and information flow impediments	77.6
Not allowing the polling agent of the opposition to enter the vote center	75.5
Allegation of biased proceedings against Returning Officer or Assistant Returning Officer	65.3
Barring election observers and journalists from covering the election	61.2
Forcing voters to vote for particular electoral Party	55.1
Grabbing booths, publicly sealing ballots, ballot-staffing, casting fake votes	51.0
Neglecting investigating at opposing candidates' claims of irregularities in the election	51.0
Threatening opposition voters and not allowing them to enter polling stations	49.0
Fraud in vote counting	42.9
Purchase of votes (Cash payment, transportation spend and supply of food)	38.8
Others	24.5

Average expenditure of candidates of the selected constituencies from pre-announcement of election schedule to Election Day

- 65.77 (98) percent of the candidates spent more than the authorised expenditure limit from pre-announcement of the election schedule to the election day
 - The expenditure is highest for Awami League candidates (11.45 times more on average)
 - The winning candidates spent an average of BDT 3,09,56,438 (maximum BDT 38,77,10,144, minimum BDT 16,45,000)
 - A total of 149 candidates spent an average of BDT 1,02,77,265 (maximum BDT 18,15,50,800, minimum BDT 44,800) in the constituencies from finalization of nomination to the election day.

Table 10: Average Expenditure (Estimated) of candidates covered in the study from pre-announcement of schedule to election/election day

Sl.	Political Party	Average expenditure till announcement of election schedule (BDT)	Average expenditure (BDT) from announcement of election schedule to finalisation of nomination	Average expenditure from finalisation of nomination to polling day (BDT)	Total average expenditure of candidates on campaign from pre-announcement of schedule to polling day (BDT)*
1	Awami League	1,67,80,102 (36)	10,15,179 (44)	1,38,78,988 (44)	2,86,23,341 (44)
2	Independent (Awami League)	12,98,298 (33)	6,54,981 (37)	1,82,67,119 (36)	1,95,86,336 (37)
3	Jatiya Party	36,04,016 (22)	3,83,512 (32)	42,26,439 (33)	70,01,007 (33)
4	Trinamool BNP	2,09,750 (4)	65,083 (12)	7,01,829 (12)	8,36,829 (12)
5	Other Parties**	98,250 (8)	89,166 (15)	22,29,213 (15)	23,70,780 (15)
6	Independent	4,24,000 (5)	3,24,187 (8)	89,26,363 (8)	95,15,550 (8)
7	Overall	67,58,897 (108)	5,80,314 (148)	1,02,77,265 (148)	1,56,83,777 (149)

Note: Details of election campaign expenditure for all candidates was not available. The number of samples for the estimated mean is given in the first parenthesis. * In calculating the total average expenditure (in BDT) of the candidates, the campaign expenditure is considered as 'zero' for candidates whose campaign expenditure was not found at any particular stage of campaign. ** Other parties include Jatiya Samajtantrik Dal, Zaker Party, Bangladesh Kalyan Party, Islami Oikya Jote, Bangladesh Congress, Bangladesh Nationalist Movement, Bangladesh Workers Party, Bangladesh Sanskritic Muktijot

- Overall, the average expenditure of the candidates from pre-announcement of the schedule to the election day is BDT 1,56,83,777 (maximum BDT 38,7710,144 and minimum BDT 70,000), Which is six times more than the expenditure limit authorized by the Election Commission (maximum Tk 25 lakh per candidate)
- The major items of expenditure are posters, election camps, public meetings, and expenditure on workers
- Violation of the election expenditure limit has increased significantly

Table 11: Over-Expenditure Comparison between 11th & 12th National Elections

National Election	Election Expenditure Limit (BDT)	Average Expenditure of Candidates (BDT)	Overspending of the Allotted Amount (percentage/times)
Eleventh	25 lakh	77 lakh 65 thousand	310.6 (3 times)
Twelfth	25 lakh	1 crore 56 lakh 83 thousand 777	627.4 (6 times)

Post-Election Conflict

- After the election 30 incidents of attacks in 16 constituencies occurred. These confrontations and attacks took place predominantly between the supporters of the Awami League and Independent (Awami League) candidates. The motives behind these attacks are refraining from voting, supporting opposition party or candidate during campaigns, and casting ballots for the opposition.

Post-election Cases and Complaints

- Local election offices did provide information on Post-election Cases and Complaints despite request during data collection stage. Based on the publicly available data, investigations were initiated in two constituencies about alleged violation: one involving the casting vote openly by the elected Member of Parliament at the polling center and failure to ensure secrecy. However, he was given impunity from the case at a later stage.
- The lack of confidence on the Election Commission and its activities has demotivated defeated candidates not to lodge cases and complaints against the winners at post-election stage on the election matters despite having number of evidences.

Submission of Election Expenditure Reports

- Out of 50 constituencies, candidates of 46 constituencies did not submit expenditure reports within the stipulated time. Consequently, local election offices/returning officers were unable to provide necessary data. Other offices did not provide the Election Expenditure Reports citing excuses such as the absence of designated officials to collect the relevant fees and provide the necessary information.
- Although there were instructions in RPO to publicly display expenditure reports at the returning offices of the concerned constituencies, such displays were not made in violation of RPO order.
- Furthermore, despite requests made under the Right to Information Act to receive the expenditure reports of the selected candidates, the Election Commission did not respond or provide the requested information. Therefore, it was not possible to provide analysis on the Election Expenditure of the candidates in this report.

11. Overall Observations and Comments

- The Twelfth Parliament Election was one-sided and a crafted Competition. It was unfree and non-inclusive. The overall experience including gains and losses are ominous for the future of Bangladesh's democracy and democratic election, which are contradictory to the spirit and dreams of the glorious liberation war and independence.
- The election was not free and inclusive due to mutually contradictory and intransigent positions of the two largest political parties. The state of hostage of the future of democracy to this contradictory agenda and intransigence-driven conflict has been further exacerbated.
- The agenda to ensure continued stay in power through one-sided election has been successfully achieved, the legality of which may not be challenged, or may not hold if challenged. But in terms of political integrity, democratic and moral values this success will remain ever debatable.
- The key elements of the concept of democratic election and national international good practices like free, inclusive and above all, the precondition of a level playing field for free, open and unrestricted competition were not met.
- The Election Commission, sometimes by compulsion in the name of Constitutional and legal compulsion and on occasions by design, played the role of a key catalyst for the realization of the agenda of the one-sided election. Other state institutions, especially law enforcement agencies and administration were also used to play, or played the same role in similar ways.
- It has once again been proved that the zero-sum game of electoral politics in the country has no relevance to political ideology. Despite being an election without any meaningful political opponent, where fabricated competitions were staged between the ruling party nominated candidates and against its own 'independents' and those of other protégé parties, violations of electoral code of conduct have been pervasive including unhealthy rivalries and violent hostilities which had nothing to do with political ideology or public interest.
- As a by-product of the fabricated competition in all constituencies except a handful, a sample-mapping has taken place of the conflicts within the ruling party. The only silver

lining in this is that allegations of irregularities, corruption and other illegalities that are usually summarily rejected have been validated by their own mutual accusations and counter-accusations.

- The monopolistic control of the political space and governance structure has been pushed to the extreme form of institutionalization, while the scope of unaccountable use of the absolute power has been further widened. The strongest ever dominance of the business representation in the Parliament and the Cabinet has expanded the scope of conflict of interest and policy capture in state affairs.
- Compared to interest in success or failure of the Government's fourth successive term, the question of public trust and acceptability in terms of integrity and moral footing of the Government will remain much more relevant. At the same time, concerns over the future of democracy and democratic election will continue to deepen further.
- Finally, as ominous the experience around the Twelfth Parliament Election is for democratic future of Bangladesh, it is going to be a test case of lessons on what countries and peoples around the world with democratic aspirations would need to do and avoid, especially in terms of democratic backsliding and related electoral strategies and innovations.

Annex 1: Division-wise Selection Constituencies in 8 Divisions

	Division	Name of Parliamentary Constituencies
1	Rangpur	Dinajpur-2, Nilphamari-2, Rangpur-1, Rangpur-4, Kurigram-3, Gaibandha-4
2	Rajshahi	Bogura-6, Nagaon-2, Rajshahi-3, Natore-1, Natore-4, Sirajganj-6
3	Khulna	Kushtia-1, Jhenaidah-4, Jashore-1, Bagerhat-1, Khulna-3, Satkhira-4
4	Barishal	Barguna-1, Bhola-3, Barishal-3, Pirojpur-3
5	Mymensingh	Jamalpur-2, Mymensingh-3, Mymensingh-8, Netrokona-5
6	Dhaka	Tangail-2, Munshiganj-3, Dhaka-6, Dhaka-10, Dhaka-12, Dhaka-18, Gazipur-3, Narayanganj-4, Rajbari-1, Faridpur-4, Gopalganj-2
7	Sylhet	Sunamganj-3, Sylhet-4, Moulvibazar-3
8	Chattogram	Brahmanbaria-3, Cumilla-3, Cumilla-5, Chandpur-3, Lakshimpur-4, Chattogram-5, Chattogram-7, Chattogram-11, Cox's Bazar-3, Bandarban

Annex 2: Roadmap to Elections

The Election Commission identified 14 challenges during the Fair and Participatory 12th National Elections-

1. Building confidence in the government and the Election Commission among political parties.
2. Impartial performance of duties by police and administration officials.
3. Build confidence in EVMs
4. Control of money and muscle power
5. Maintain law and order / Maintain the rule of law and order
6. Election code of conduct followed by all political parties
7. During a systematic or orderly campaigning, there should be no obstacles for opponents, contesting candidates, supporters, or the police administration
8. Prevention of fake voting/polling station encroachment/ballot hijacking
9. Free access of candidates/agent and voters to polling stations
10. Creating an opportunity to vote for the candidate according to choice
11. Training of election officials
12. Deployment of adequate law enforcement personnel
13. Adequate deployment of executive magistrates
14. Engagement of neutral domestic/foreign observer
