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Bangladesh Parliamentary Elections

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Election Observation Mission Final Report



The International Republican Institute

1225 Eye Street, NW, Suite 700

Washington, DC 20005

www.iri.org

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Executive Summary

On December 29, 2008, 70 million Bangladeshi voters cast ballots to decide who would serve in the country's ninth parliament. After two years with an unelected caretaker government governing under a State of Emergency, the Bangladeshi people chose a democratically-elected government on a day characterized by very high voter turnout following campaigns conducted passionately but largely free of violence.

At the invitation of the Bangladesh Election Commission (BEC), the International Republican Institute (IRI) sponsored a 65-member delegation to observe the nation's December 29, 2008, elections. IRI is a nonpartisan, nonprofit organization based in Washington, DC, that has been active in more than 100 countries worldwide to advance freedom and democracy by developing political parties, civic institutions, open elections, good governance and the rule of law. IRI has monitored more than 130 elections since 1984.

The findings and recommendations presented in this report are drawn from the observations of IRI's 13 teams of long-term observers (LTO) deployed to the field six weeks prior to Election Day and 20 teams of short-term observers (STO) deployed immediately before Election Day. LTOs observed the campaign period, Election Day and the post-election period, meeting with a wide range of electoral stakeholders throughout the country. STOs arrived in Dhaka approximately five days before Election Day, attended a comprehensive series of briefings in Dhaka, and deployed to their assigned locations two days before Election Day.

On Election Day, IRI observers were present during all stages of the voting process at more than 280 of the country's 35,263 polling centers. They encountered more than 3,400

election workers and thousands of Bangladeshi voters. They observed the opening of polling centers, visited multiple polling centers throughout Election Day and attended the closing of polling centers and portions of the ballot counting and results consolidation processes. After Election Day, 20 LTOs remained in the field for five days to observe final adjudication and to meet with winning and losing candidates, political parties, local election and government officials.

IRI's election observation mission found the results of the election accurately reflected the collective will of the Bangladeshi people and were conducted in a competitive and fair electoral environment free of irregularities serious enough to question the outcome. The BEC proved technically capable of administering a nationwide election under a new framework of laws, freshly redrawn constituencies and a completely new voter list with photographs created during 18 months of work. Political parties, however, reverted to their traditional practices of disregarding legal limitations to use money and manpower to influence voters as Election Day neared.

IRI observers were distinctly impressed by the discipline and determination exhibited by the Bangladeshi electorate, which was clearly eager to elect a new parliament after two years under an unelected government. A record 86 percent of eligible voters – approximately 70 million citizens, of which more than half were women – cast ballots. Despite long lines and some confusion in directing voters to their assigned voting booths within polling centers – largely the result of the high turnout and a poorly designed system for locating names on the new voter list – the balloting process was generally orderly.

IRI election observers were unanimous in their overall conclusion that the election represented a timely and critical step forward for Bangladesh's democracy, a sentiment echoed in the

frequently repeated remarks by Bangladeshis that these were the best elections in the country's history.

Based on its observations before, during and after Election Day, IRI strongly recommends that the Government of Bangladesh (GOB) decompress its electoral calendar to allow for more meaningful political activity to be conducted in a more transparent and participatory manner, that all stakeholders reexamine and adhere to campaign finance laws, and that the BEC implement reforms to ensure a neutral, non-political environment around and within polling centers to allow voters to cast their ballots in an environment free of political and other possible intimidation. The BEC, political parties, the media, domestic election observers, security personnel and the GOB all have important roles in the ongoing process of building on the success of these elections.

Moving forward beyond the election, it is crucial that the country's leaders recognize that Election Day is only one part of a democratic political process. Political parties, newly elected members of parliament and civil society organizations must now commit themselves to constructive participation in the political and governing processes, continued strengthening of their electoral system and their political culture and service in the interest of the whole nation.

I. Introduction

At the invitation of the BEC, IRI sponsored a 65-member delegation to observe the nation's ninth parliamentary elections on December 29, 2008. IRI prepared this report based on the in-person observations of its delegation members and staff; it does not necessarily represent the views of individual observers. This report contains IRI's detailed observations of the pre-election period, Election Day and the immediate post-election period, as well as recommendations to stakeholders to improve the electoral process for future elections.

To evaluate the state of preparations for the parliamentary elections, IRI conducted two pre-election assessments, from July 31 – August 8 and from October 13 – 21, 2008. The assessment teams found that the BEC would be ready to hold parliamentary elections in December, despite some concerns about a lack of sufficient human resources, particularly in regard to election officers. IRI noted some irregularities and shortcomings that could have been overcome with better organization and coordination, better training for election workers, including security forces, voter education and clarification of election laws and regulations. In addition to offering specific recommendations to electoral stakeholders in regard to how to address cited irregularities and shortcomings, IRI encouraged the BEC, the Caretaker Government (CTG) and political parties not to lose sight of the wishes of voters during the critical final weeks before Election Day.

IRI board member and former Assistant Secretary of State for African Affairs Constance Berry Newman served as head of IRI's Election Day delegation, which also included representatives from Belgium, Canada, China, Finland, Georgia, Greece, Hungary, Indonesia, Kenya, Malaysia, Poland, Sierra Leone, Singapore, Uganda, the United Kingdom and the United States

(Appendix A). IRI staff also served as observers and assisted in the mission. Judy Van Rest, IRI's Executive Vice President, Cynthia Bunton, Asia Regional Director, and Jeffrey Vanness, Resident Country Director for Bangladesh, led IRI's staff delegation.

The IRI delegation included both LTOs and STOs. Twenty-six LTOs deployed in teams of two to 11 locations in the six administrative divisions of Bangladesh six weeks prior to Election Day; 20 LTOs remained deployed until January 4, 2009. Forty STOs arrived in Dhaka approximately five days before Election Day, attended a comprehensive series of briefings in Dhaka, and on December 27, deployed to their assigned locations. STOs deployed in teams of two and three to 15 locations and remained in the field through Election Day. They returned to Dhaka for debriefing on December 30 (Appendix B).

Prior to Election Day, IRI briefed LTOs and STOs on the political and electoral situation in Bangladesh and election observation best practices. Representatives from the BEC, major political parties and domestic election observation groups also briefed the delegation. In total, IRI observers conducted more than 800 meetings with Bangladeshi political party representatives, candidates, election and local government administrators, domestic nongovernmental organizations (NGOs), security officers and voters throughout all six administrative divisions.

On Election Day, IRI's 65 delegates observed the voting process at more than 280 polling centers. Observers were present for the opening and closing of centers, as well as for the ballot counting and vote consolidation processes. Approximately 600,000 voters cast ballots at IRI-observed polling centers. IRI released its preliminary statement on the elections on December 30, 2008 (Appendix C).

The December 29, 2008 parliamentary elections set a new, higher standard for future elections in Bangladesh. The elections demonstrated the nation's commitment to democracy, as well as its ability to organize and implement an administratively sound, generally peaceful, broadly participatory and transparent electoral process. Despite administrative successes, the process made clear the need for modernization and further reform of Bangladesh's political party system. Absent such reform, the nation's democracy could remain vulnerable to the cycle of corruption, extreme polarization and electoral violence that has characterized past elections, which could threaten its sustainability and limit its capacity to address the serious challenges that confront the nation's 154 million citizens.

II. Pre-Election Environment

A. *Emergency Rule and Government Reform Efforts*

Bangladesh prepared for its 2008 parliamentary elections against the backdrop of a failed effort to hold elections on schedule in January 2007. The 2007 elections were ultimately cancelled because of the country's descent into political and social disorder, violence resulting in several deaths and widespread general strikes that brought economic activity to a standstill. When Bangladeshi voters finally went to the polls to elect a new parliament, or *Jatiya Sangsad*, on December 29, 2008, it had been more than seven years since the last parliamentary elections, and two years since the last Prime Minister dissolved the previous parliament. According to the 13th amendment of the constitution, a non-party, nonpartisan caretaker government, led by a Chief Advisor, assumes power for a period of up to 90 days upon dissolution of parliament for the sole purpose of administering elections. The CTG that came to power in October 2006 faced an atmosphere of severe and increasingly violent political crisis, and on January 11, 2007, declared a national State of Emergency, cancelling the elections scheduled for January 22, 2007.¹ Shortly thereafter, a new, military-backed CTG assumed power under the leadership of Chief Advisor Dr. Fakhruddin Ahmed.

Under the State of Emergency, political party offices were closed, both indoor and outdoor political meetings were prohibited, trade union activity was curtailed and the media was censored. In this environment and with broad-based public support, the CTG undertook an ambitious plan to restore democracy to the country through electoral reform, internal political party reform and a massive anti-corruption campaign.

¹ The text of the Emergency Powers Ordinance is available at <http://bangladesh.ahrchk.net/docs/EPO2007en.pdf>.

The CTG set out to rebuild and strengthen the essential administrative and legal infrastructure for elections, setting a new voter list with photographs as a top priority. To this end, the CTG reconstituted the BEC because many blamed the sitting commission for failing to update the voter list for the cancelled 2007 elections; by most accounts, the 2007 list of 93 million names contained 11 to 13 million more names than the available census data suggested was the true number of eligible voters. As a result, confidence in the sitting commission's competence and political neutrality had vanished across virtually all political and social sectors. In February 2007, the President of the Republic, Dr. Iajuddin Ahmed, appointed a new Chief Election Commissioner, Dr. A.T.M. Shamsul Huda, and two new election commissioners, Muhammed Sohul Hussain and Brigadier General (ret.) Muhammed Sakhawat Hussain. The reconstituted commission's responsibility was clear: to develop and implement a plan leading to parliamentary elections by the end of 2008.

In addition to preparing a new voter list, the BEC also introduced a package of new election law amendments designed to shift the focus of politics from party leadership to party operations, organization and ideology as party identity. This effort had limited but real successes, and the new rules represent a step in the right direction. The amended election law is discussed in greater detail in section C, Roadmap to Elections.

Finally, the CTG attempted to implement a controversial but popular anti-corruption campaign driven by the Anti-Corruption Commission (ACC). Under the campaign, many senior business and political leaders were arrested on corruption charges that often lacked the foundation of a strong legal case by the government. The leaders of the Bangladesh Nationalist Party (BNP) and the Awami League (AL), both former Prime Ministers, were arrested and jailed on corruption charges. Sheikh Hasina, head of the AL, spent nearly a year in prison before being allowed to

leave the country for medical reasons in June 2008; she returned to Bangladesh in late November 2008. BNP's Khaleda Zia was released on bail on September 11, 2008.

Many believe the ACC's purpose was not simply to eradicate corruption, but rather to level the political playing field by attempting to remove the most entrenched politicians to make way for new political leaders. Ultimately, the ACC did not substantially weaken the role of political parties or existing party leadership. The arrest and detention of Khaleda Zia contributed to a subsequent split of the BNP into two factions during the early period of her detention, though the party reunited under Zia following her release before the elections. More tentative but equally unsuccessful challenges to the leadership of Sheikh Hasina emerged within the AL.

B. Administrative Framework for Elections

The BEC is the highest ranking electoral body in Bangladesh. Article 118 of the Constitution of Bangladesh provides for the establishment of the BEC, and for the appointment of the Chief Election Commissioner and other election commissioners (if any) to terms of five years by the President of the Republic. Commissioners, along with all other electoral officers, must demonstrate a record of political neutrality; unlike many other countries, Bangladesh does not rely on the method of political checks and balances to ensure evenhandedness in its election administration system at any level.

Under Article 119 of the Constitution, the BEC is responsible for preparing the national voter list, and for “direction, control and conduct of all national elections and presidential elections,” which it does in accordance with the Representation of the

People Order of 1972 (RPO), the country's election law.² A Secretariat, led by a secretary, implements the decisions of the BEC, but controversially, the prime minister has traditionally appointed the secretary; the CTG's chief advisor appointed the current secretary during the period of emergency rule.

Below the level of the BEC, Bangladesh is divided into several administrative layers for electoral purposes. Most important are the nation's 64 districts and 481 upazilas (sub-districts). Districts are typically composed of three to 10 upazilas. A typical electoral constituency, of which there are 300 in Bangladesh, is composed of one to three upazilas. The BEC permanently employs approximately 84 election officers assigned to district-level election offices. These officers maintain the voter list in their districts and oversee the election process at the district level.

In advance of an election, the BEC typically appoints career civil servants presumed to be politically neutral, to act as the returning officer (RO) and assistant returning officers (ARO) within each district. Typically, the BEC appoints the deputy commissioner – the appointed head of district-level government – as RO and several upazila chief executives – the appointed heads of upazila-level government – as AROs.

In each district, the RO and AROs are responsible for all aspects of election administration once the BEC announces the election schedule. Responsibilities include recruitment and vetting of more than 565,000 (this number varies from election to election) presiding officers, assistant presiding officers and polling officers who staff individual polling centers. These officers, the vast majority of whom work for the public school

² The text of the RPO is available at <http://www.ecs.gov.bd/MenuExternalFilesEng/236.pdf>.

system, administer the voting and ballot counting processes. The RO consolidates the vote count at the district level, makes an unofficial announcement of district's winning candidates and forwards the data to the BEC in Dhaka, which pronounces the official election results.

Based upon observation and hundreds of meetings with ROs, AROs and other electoral stakeholders in the weeks preceding the election, IRI observers offered a generally positive assessment of the BEC's efforts to assemble an administrative infrastructure capable of competently and impartially managing the election. IRI observers indicated that the vast majority of deputy commissioners and upazila chief executives executed their electoral duties as ROs and AROs correctly and transparently. Though observers heard numerous allegations by political contestants of bias among election administrators, they did not witness any signs of bias or find other evidence to support these claims.

IRI observers reported that the BEC at all levels generally met deadlines for setting up the 35,263 polling centers and 177,277 individual polling booths and for ensuring that critical election materials were in place on time. Finally, observer reports about presiding officers, assistant presiding officers and polling officers recruited and trained in the weeks before Election Day were generally positive. Though Election Day observations indicated that the training for these workers was of uneven quality, observers were nonetheless impressed with the planning and scope of the effort mounted by the BEC with the assistance of the United Nations Development Program (UNDP).

C. *The Roadmap to Elections*

In July 2007, the BEC presented a Roadmap to Elections, a critically important plan outlining a clear path to parliamentary elections and restoration of Bangladesh's democracy (Appendix D). Milestones along the roadmap included the completion of a new and revamped voter list with photographs, amendments to the election law, delimitation of the nation's 300 electoral constituencies (of which more than 80 were drawn anew) and parliamentary elections no later than December 31, 2008. The BEC achieved some roadmap deadlines later than originally planned, but nevertheless succeeded in meeting all of its fundamental objectives, and confidence in its competency and neutrality, as measured by opinion polls, steadily increased.

The BEC and CTG promised consultation and collaboration with political parties during the roadmap's implementation; however, it is unclear to what extent this took place. Political parties did not visibly play a substantial role in the design or implementation of the roadmap, though in September 2007, after the first of several formal and unacknowledged "relaxations" on political party activities, the BEC invited representatives of 15 political parties to participate in discussions on a range of electoral reform issues. At this time, party leadership structures were fragmented and largely inoperative as a result of State of Emergency restrictions and the arrest of key leaders by the ACC; furthermore, there was controversy over the invitation of one but not both factions of a then divided BNP.

National Voter List

Work on the first roadmap priority, the new voter list with photographs – an \$80 million project jointly funded by the GOB and foreign donors, including Denmark, the European Commission, the Republic of Korea, The Netherlands, Norway, Sweden, Switzerland, the United Kingdom and the UNDP –

began in June 2007 with key assistance from the Bangladesh Army. The successful completion of the voter list marked a significant achievement for the BEC.

This truly massive undertaking included door-to-door visits to inhabitants of every identifiable residence in the nation by a team of more than 311,078 enumerators, mostly government school teachers. Approximately 104,025 data entry operators working at registration centers received voter registration forms and entered the data along with digitally captured photographs and fingerprints. A voter's matching photograph on the final voter list was to constitute sufficient proof of identity on Election Day. The BEC also used the photos compiled during the voter registration process to create and distribute new provisional national identification (ID) cards.

Domestic election observation group Jatiya Nirbachan Parjabekkhon Parishad / National Election Observation Council (JANIPOP) conducted a field study of the initial period of voter list preparation from June to October 2007 (Appendix E). JANIPOP observed a good faith effort by the BEC's staff and Army personnel to register all eligible voters in Bangladesh, including minorities, women and the lower socio-economic classes. However, variations in procedures during enumeration and registration, in particular weaknesses in verifying identity and residency, created opportunities for manipulation by third parties, namely local politicians who steered supporters to register in their wards. JANIPOP found that registered voters closely associated their newly-issued national ID cards with the voting process, and warned early of impending confusion about the use of the cards on Election Day.

Officials compiled and checked data at the administrative level of Bangladesh's 481 upazilas, and then presented draft voter lists at upazila offices for public inspection. Though the process

appears – based on the final result – to have captured *close* to all eligible voters within the general population, IRI observers learned that many of those not registered where they lived during the original registration period had difficulty registering at later stages. Observers also heard complaints that people were not encouraged to check the draft voter lists, and that the postings were not well advertised or of sufficient duration. There were also reports that efforts to register and confirm registration of members of minority communities such as the Bihari, Hindu and Bede, for example, were not highly successful.

The coordinator of the Voter Registration and National ID Card Creation Project presented consolidated lists, separated by gender, containing the names, addresses, photographs and voter ID numbers for 81,306,105 registered voters (a slight majority of whom were women) to the BEC on October 14, 2008. The number of registered voters was consistent with analysis of Bangladesh's last census, taken in 2001, as well as with earlier studies suggesting inflation of the 2007 voter list. Moreover, a comprehensive audit of the new list, conducted for the UNDP by a consultant from the International Foundation for Electoral Systems (IFES) at the behest of the BEC, provided strong confirmation of its accuracy across all regions of the country.³

In the final phase of the project, the BEC distributed the list to the ROs and AROs, who were then responsible for posting the lists 45 days before Election Day to allow citizens to reconfirm their registration status, the accuracy of their information and their voting location. IRI observers in the field at this time reported that this phase of the process was not implemented uniformly or consistently. The lists were eventually posted before Election

3 IFES's report, *Assessment of the Photo Voter List in Bangladesh*, is available at <http://www.undp.org.bd/info/pub/IFES%20Assessment%20of%20Voter%20List%20Bangladesh%20FINAL%20REPORT.pdf>.

Day in almost all locations; however, many citizens still did not have access to the information. Many citizens who registered to vote were illiterate and, in many cases, did not have the advantage of knowing if their name was or was not on the list and if they were registered at the correct polling center. Citizens could also check the list online via the BEC's website.

Amended Election Law of 2008

Electoral reform, through amendments to the RPO, was a second priority of the roadmap. Overall, the RPO provides a sound and workable framework for organizing and implementing the electoral process; it has typically been amended prior to each national election cycle. The Government did not print the final version of the amended RPO for the 2008 parliamentary elections until October 2008, six months after the deadline set in the roadmap, and less than three months before Election Day. This limited the ability of political actors to educate themselves, plan accordingly and comply with the law.

Key 2008 amendments to the RPO reflected the CTG's priority of reining in the power of the major political parties' leadership and spurring a process of organizational reform. Provisions in the amended law created new political party registration requirements and new candidate selection guidelines. In addition, for the first time, ballots included a No Vote option to allow voters to indicate their lack of support for any candidates/political parties.

Some of the 2008 amendments were designed to promote greater internal party democracy. For example, the constitution of each registered party must contain a provision for the establishment of at least 10 district- and 50 upazila-level leadership committees, 33 percent of whose members must be women by the year 2020. A separate provision aims to decentralize the candidate nomination process by requiring that panels, formed by these

local committees, take the lead in nominating the party's candidates for elected office.

Another important provision, against which the major political parties voiced particularly strong objections, prohibits registered parties from forming any affiliated bodies within educational institutions, trades unions or business groups. Perhaps the most obvious targets of this provision were AL- and BNP-affiliated student organizations, which in the past have frequently provided "shock troops" for disruptive and violent *hartals* (general strikes) and mass rallies, such as those that helped to unhinge the 2006/2007 electoral process. The conduct of these affiliated organizations on university campuses and elsewhere, both in and out of election cycles, has interfered with the country's politics and elections for many years.

The amended law also includes new guidelines for those seeking to run as independent candidates, requiring them to obtain signatures from one percent of the registered voters in their constituencies. While this regulation helps to deter unmotivated individuals from crowding ballots, the procedures for verifying these signatures proved problematic in the opinion of some IRI observers, as discussed in section D, Politics and the Political Environment.

The amended RPO also created higher character thresholds for all potential candidates. For example, those with a criminal record or history of unpaid debts were not eligible for nomination as candidates. In addition, all nominees had to disclose, in a signed affidavit submitted with their nomination papers, information about educational attainment, sources of income, personal debt and promises made as part of previous candidacies or elected office terms. Despite the positive intent and impact of these character provisions, observers reported that officials did not always interpret and apply them consistently; many nominations

were challenged and/or rejected during the candidate scrutiny and appeals processes for minor infractions such as an unpaid telephone bill.

Delimitation

A third priority of the roadmap was the delimitation (redistricting) of Bangladesh's 300 electoral constituencies. The Delimitation of Constituencies Ordinance of 1976 requires delimitation following every census. The last national census was conducted in 2001, but the results were not publicly available until 2007 so delimitation based on the 2001 census was long overdue. In fact, a delimitation resulting in significant changes in the boundaries of the electoral constituencies had not occurred in Bangladesh for almost three decades.

Considering Bangladesh's large population and the disproportionate growth of urban centers such as Dhaka, it is not a surprise that substantial imbalances developed between the population sizes of different constituencies. For example, the BEC reported that, prior to the 2008 delimitation, the number of registered voters per constituency varied from a low of 104,000 in a semi-urban constituency in Narayanganj District to a high of more than 600,000 in an urban constituency in Dhaka City Corporation.

In January 2008, the BEC published its methodology and plan for the delimitation, which it completed in August 2008.⁴ The BEC allocated constituencies to the nation's 64 districts based on a population quota of approximately 460,000 people per constituency. Population variations in the newly delimited constituencies were the result of BEC criteria stipulating that constituencies would not cross district boundaries, that every

⁴ The constituency map is available at http://www.ecs.gov.bd/images/constituency_map.pdf.

district would contain at least two constituencies regardless of its population, and that smaller administrative units within individual districts – upazilas, unions and wards – would be assigned to constituencies as whole units. With the new delimitation, the number of constituencies in Dhaka City Corporation rose from nine to 15, illustrating the long-overdue need for adjustment.

Observers uncovered no basis to question the implementation of the delimitation methodology and plan or to suspect political bias. However, the late completion of the delimitation coincident with restrictions on political party organization under the State of Emergency complicated party efforts to nominate candidates and organize for the brief election campaign. Observer reports on the effect of delimitation on citizens were mixed. Overall it seemed (with few exceptions), that most citizens did not challenge the delimitation, but the process confused some voters due to changes in constituency boundaries and polling center assignments.

D. Politics and the Political Environment

The Re-Emergence of Political Parties

From the declaration of the State of Emergency in January 2007 through the end of summer 2008, Bangladesh's political parties remained mostly dormant. However, as the parliamentary elections approached, the major parties – AL, BNP, Bangladesh Jamaat-e-Islami and Jatiya Party – re-emerged with their leadership and their political base largely intact, determined to assert their customary influence over the electoral process.

On October 30, 2008, the BEC officially announced the election schedule and set December 18, 2008 as Election Day. Immediately, the political parties and their supporters launched vigorous campaigns to lift all emergency restrictions on political organization and activities, remove their leaders

from confinement and legal jeopardy and roll back many of the electoral reforms they found to be in conflict with their interests in fielding candidates. The parties presented the CTG and the BEC with menus of competing and often mutually exclusive demands on a wide range of issues that changed on a regular basis, and threatened to boycott the parliamentary elections if the BEC and CTG did not meet these demands. It appeared, for a brief time, to many Bangladeshis and to members of the international community familiar with the country's recent past, that the history of the cancelled 2007 election might repeat itself. To their credit, the CTG and the BEC maintained control of the process and kept it on track.

The apparent efforts by the CTG and BEC to effect a transformation and/or reorganization of Bangladesh's political parties via the ACC and election law reform had mixed results, at least within the timeframe of this election cycle. The CTG seemed to have misjudged the depth of the two major parties' institutional strength and the loyalty of their political base. The CTG bowed to political reality, opened the path for Khaleda Zia and Sheikh Hasina to return to the political center stage, and conceded to the BNP's strong demands for an extension of the election schedule. The revised schedule extended the deadlines for the candidate nomination, scrutiny and withdrawal processes, and delayed the election date by 11 days to December 29.

Under pressure from the international community as well as the political parties, the CTG also instituted a phased elimination of emergency rule, lifting restrictions on outdoor political gatherings on December 12, the first official day of the campaign period, and completely lifting the State of Emergency on December 17. The Army remained deployed to prevent any possibility of politically-instigated *hartals* or violent mass rallies similar to those that had created chaos and derailed the elections late 2006 and early 2007.

The CTG and BEC had greater success in moving forward with implementing important administrative and legal reforms for the election. Though delimitation of electoral constituencies was clearly long overdue and badly needed, both the BNP and AL initially objected to the new constituency map, which they described as politically motivated and prejudicial, and called for restoration of the former constituency boundaries. Each party at one time or another made this a condition for their participation in the election, and filed numerous legal challenges with the High Court, which conducted hearings over several days in late October and early November 2008. In mid-November, the court ruled that the 2008 parliamentary elections would be based on the BEC's new constituency map, and the parties accepted the High Court ruling.

The parties also made little headway with their objections to new amendments in the election law, such as those pertaining to party registration, restrictions on the formation of party-affiliated bodies, higher character thresholds for candidates, decentralization of the candidate nomination process and stricter oversight of campaign financing. These amendments remained a part of the election law, and although compliance with them varied, their overall impact positive.

It was evident that the major parties and their alliance partners still maintained a capacity and willingness, when it suited their political interests, to hold the electoral process hostage and to exercise wide latitude in their interpretation of election law. For example, evidence collected by observers confirms that candidates largely ignored the new guidelines on campaign spending limits.

Candidate Selection and Nomination

The candidate selection and nomination process, which took place through the month of November, was complicated and

made more challenging for political parties because of several factors related to the State of Emergency.

The anti-corruption campaign took a heavy toll on party membership, and restrictions on political activity caused organizational structures to atrophy at all levels, a fact that IRI observers noted in particular with regard to the BNP. Moreover, in the case of the BNP and AL, Khaleda Zia and Sheikh Hasina, who had dominated their parties since the 1980s, were still imprisoned and outside the country, respectively, well into the initial phases of the nomination and campaign planning processes. The BEC's 17-day extension to November 30 of the deadline for filing nomination papers provided necessary breathing space.

The nomination process itself was generally open, typically energetic and often intensely adversarial. A total of 2,454 nominations were filed with the BEC, and 1,555 candidates' names ultimately appeared on ballots across the country. Of these, 148 were independent; the remainder represented 38 registered political parties.

Competition during the nomination process occurred both between and within parties and, though the overall number of violent incidents reported over the course of the election period was relatively small, many of these were linked to disputes over nominations. Conflicts frequently resulted from the bartering of constituencies among parties that formed electoral alliances. It is common practice in Bangladesh for political parties to choose their coalition partners in advance of an election and, to avoid vote splitting among component parties, party leaders typically negotiate based on the relative strength of each party in a specific constituency to determine the number and location of the constituencies in which each party will contest. Because the negotiations and decisions typically occur among national party leaders, seat allocation within coalitions frequently causes

controversy at the local level.

Some disputes over seat allocations within coalitions became violent, such as in Sylhet where two candidates from the same alliance vied for the same seat. In Dinajpur District, BNP leaders and activists strongly objected to allowing Jamaat to contest for the Four Party Alliance in two of the district's six constituencies. Similar objections frequently arose from local AL leaders and activists in the 48 constituencies across the country in which AL leaders agreed that its Grand Alliance partner Jatiya Party would contest. In some instances, party members refused to cede their place on the ballot, or they opted to quit the party and run as independents. In a meeting with IRI observers in Barisal, Jatiya Party leader and former President Hussain Mohammad Ershad expressed disappointment that, in 12 of the 48 constituencies ceded by the AL to Jatiya Party, AL candidates refused to withdraw and ran in defiance of national leadership.

Another critique of this coalition system is that it denies voters in some constituencies the opportunity to vote for the true party of their choice as opposed to a coalition partner, which can lead to intense emotions during the campaign period. For example, in Moulavibazar-2 constituency, where Grand Alliance partners AL and Jatiya Party strongly supported candidates from their own parties, a clash occurred when AL supporters and Jatiya Party supporters held rallies for the individual candidates at the same time and in the same location.

Furthermore, parties did not fully comply with the amended election law provisions calling for decentralization of the candidate selection process, and within individual parties, local and national party leadership often disagreed over their respective roles in the final selection. Local political party leaders and activists with whom IRI observers met with generally favored the new rules because many believed the national party leadership

did not understand local politics or the concerns of local leaders. Despite provisions designed to ensure that local party members have a voice in the selection of candidates, evidence indicates that the final selection of candidates within both the AL and BNP was done at the highest levels of the parties in Dhaka. Some party representatives suggested that the brevity of the timeline for the candidate nomination process set out in the BEC's election schedule made it difficult for parties to implement the grassroots selection process for nominees.

IRI observers reported that the BNP appointed 150 "researchers" to conduct "a one- or two- day nationwide survey" to select the most qualified candidates, but did not find any significant indications that the BNP implemented the process as described in the amended law.

IRI observations indicate that the AL's efforts were more in line with the legal guidance. The AL's Central Working Committee announced on October 13 that it would form the grassroots panels called for under the amended law and have them present a slate of preferred candidates to the AL's national parliamentary board, which would have the final say in selecting a candidate from the list. In a meeting in Comilla, Sheikh Hasina emphasized to IRI observers that, in contrast to previous elections, AL's candidate identification process started at the grassroots level in what she described as "primary elections." Hasina's son, Sajeeb Wazed Joy made the same case to IRI after the election. IRI observers did not gather sufficient information to determine the full extent to which AL actually implemented this plan, but reported that their efforts were at least a step in the right direction.

Whatever the true extent of the parties' efforts to decentralize the candidate selection process, it is clear that more must be done to improve the process and increase its transparency. Decentralization of parties and the development of strong local

leaders with an individual identity and message are imperative to ensure that local leaders have some autonomy in regard to both the nomination process and the campaign period.

Scrutiny of Nominated Candidates and Appeals

According to the election law, ROs are required to scrutinize candidate nomination papers publicly to ensure compliance with the law. Although the election law does not include foreign observers among those permitted to be present during the candidate nomination scrutiny process, most ROs allowed IRI observers to witness the proceedings, which took place on December 3 and 4. IRI observers reported that the scrutiny process was carried out in all locations according to the BEC's schedule and the requirements of the election law. However, there did not appear to be any strict protocol for the hearings. IRI observers reported that many of the sessions they attended were loud and raucous, as nominees and their agents challenged adverse findings. In other cases, ROs maintained much tighter control over the hearings.

Experienced stakeholders frequently described the scrutiny process as particularly contentious compared to previous elections. Overall, ROs and their staff discovered violations leading to the disqualification of 455 of 2,454 nominees. Of these, 122 appealed their cases to the BEC, and a number who failed to get a satisfactory ruling from the BEC took their cases to the High Court. Ultimately, 21 disqualified nominees succeeded in attaining a favorable ruling either from the BEC or the High Court and became eligible to run. As a result, it was necessary to revise and reprint the ballots for several constituencies only days before the elections.

Some IRI observers concluded that the judgments rendered against many nominees in the scrutiny and appeals processes may have been unfair, arbitrary or based on unreliable evidence.

IRI attributes two main factors to the majority of disqualifications and challenges against individuals whose nominations had been approved at the district level: debt and the verification of independent candidates.

Many disqualifications involved public and/or private debts of candidate nominees, often unpaid utility or tax bills less than the equivalent of US \$10. Moreover, IRI observers who were present at the BEC appeals hearings on debt disqualifications reported that the BEC often based decisions on what seemed to be arbitrary determinations of whether notice of the debts – many of which were several years old – had been properly served.

The second factor related to the verification of independent candidates, who were required to submit signatures of support from one percent of registered voters in their constituency. Some IRI observers questioned the methodology used to confirm the overall validity of the lists of signatures of supporters. Typically, ROs during the nominee scrutiny process or the BEC during the appeals process would assign field officers to sample a group of 10 randomly selected names from a nominee's list. According to observer reports, nominations were sometimes rejected because the field officers were able to locate only seven or eight of the selected 10 listed individuals at the time they did the sampling. Observers suggested that, while in some cases, the inability to locate all 10 of the signatories might be a true indication that the list was fraudulent, it did not seem to be a sufficiently rigorous basis upon which to disqualify a potential candidate.

For example, an election officer from the Narayanganj District informed the observer team assigned to that area that he was told at 8:00PM to verify the signatures and report his results by morning. He worked from 8:30PM until 4:00AM with a team of officers from his staff to verify the names of the signatories. This is clearly not enough time to complete the task thoroughly

and in an appropriate manner, particularly given that the aspiring candidate's nomination rests on the results of the verification.

Political Campaigns

In all locations where IRI observers were present, they reported that political parties and independent candidates initiated vigorous, non-violent, and sustained campaigns once the official campaign period commenced on December 12. Campaigning continued in most places until midnight on December 27, when the campaign period officially ended.

Although elements of emergency rule remained in place from December 12 – 17, IRI observers did not find evidence that this significantly inhibited the ability of parties to carry out campaigns during this period, nor did observers find that the military, which remained deployed across the country until well after Election Day, interfered with campaigns. Even before the official campaign period began, many of the candidates undertook campaign-like activities, such as door-to-door techniques, and “unofficial” indoor political meetings attended by up to 100 supporters in private homes, restaurants or tea stalls.

Pursuant to a long standing requirement of the election law, the BEC on September 18 issued a Code of Conduct for Parties and Candidates (Appendix F). Provisions included detailed instructions on the use of campaign posters, leaflets, and handbills; restrictions against the use of motor vehicles in campaign processions; requirements for permits and police notification of public rallies and processions; restrictions on the use of microphones or loudspeakers at public meetings except between 2:00PM and 8:00PM; and restrictions against incitement to violence or other activities that might obstruct the campaigns of other parties or candidates. Complaints against parties or candidates believed to have violated the code could be filed with regional Election Inquiry Committees set up under the

authority of the BEC or with the BEC directly.

IRI observers witnessed parties and candidates breaching the code numerous times. The majority of IRI observations involved improper placement of posters and other forms of campaign literature and the use of motor vehicles during campaign events. By and large, the violations did not involve provisions of the code related to the preservation of peace and security. With the exception of isolated events – perhaps the most serious of which was the December 23 attack allegedly by terrorist group Jama’atul Mujahideen Bangladesh (JMB) on a BNP campaign rally in Comilla being addressed by Khaleda Zia – the campaign was generally peaceful and open in all locations where IRI observers were present. Observers also reported that stakeholders filed many complaints, though some people noted that they did not report violations because they believed that local authorities would take no action, and they also feared for their own safety if it were discovered they had reported a violation.

The leaders of all the major parties, Sheikh Hasina and Khalida Zia in particular, traveled extensively throughout the country and addressed large public gatherings of their supporters. Party leaders also made time for interviews with international observers. IRI LTOs in Sylhet and Chittagong divisions met and interviewed Sheikh Hasina, and IRI LTOs in Barisal met and interviewed Jatiya Party’s General Ershad and BNP’s Khaleda Zia. IRI delegation leaders also met with Sheikh Hasina and Khaleda Zia in Dhaka in the days immediately preceding Election Day.

In addition to vigorous schedules of campaign rallies and other form of political outreach, parties and their candidates also carried out substantial get-out-the-vote efforts.

Although the political campaigns appear to have taken a positive

form, they generally lacked substance. Both major parties issued lengthy manifestos focusing on issues of concern to the general public, but neither political leaders nor candidates made any serious effort to explain how they would pursue the many ambitious economic and social goals described in the manifestos. Rather, the campaigns quickly settled on traditional Bangladeshi political themes, such as loyalty to the cause of national independence and to maintaining the secular character of the state and allegations of past and present crimes against each other and the nation. Efforts by members of the international community in Dhaka to organize a debate between BNP and AL leaders were unsuccessful.

Minorities

A positive feature of this election was the confidence with which Bihari, Hindu and other minorities exercised their right to vote. In previous elections they had been subjected to extensive pre-election intimidation by parties and candidates, and to frequent post-election abuse and violence. Overall, NGOs representing both of these groups reported incident-free elections. The only exception is that, due to their poverty and isolation, some experienced considerable difficulty with the registration process, as noted previously. Therefore, greater efforts are needed to enable certain minority communities to exercise their voting rights.

Media

Bangladesh's print and broadcast media gave extensive coverage to political campaigns at both the national and local level, but did so under the specter of censorship. Under the State of Emergency, media outlets were legally barred from reporting news critical of the CTG. According to private conversations with newspaper editors, the government practiced active censorship over the major print and broadcast outlets by pulling stories, deleting key facts and forcing rewrites in order to present a version of events

advancing a particular political understanding. Alarming, editors and reporters learned, over time, to supplant official censorship with their own self-censorship.

The overall impression of media coverage before, during and after Election Day was that it was often unreliable. Many stories were considered hearsay or completely fabricated, and many journalists and newspapers were considered biased towards a particular party and/or coalition; many political party members own or have financial interest in local newspapers. The national news was considered somewhat more accurate and less biased, adhering to a more professional standard of journalism, but it appeared to many observers that even the national media was biased and did not apply balanced coverage. The result was a deceiving façade of political reporting: an abundance of stories on local and national campaigns containing little accurate information useful to voters in making their decisions.

The typical political article would likely reflect only one side of the story, for example reporting on the words or actions of a single candidate or political party without providing a broader context or seeking comment from opponents, third party experts or even voters. The reliability of these types of stories is suspect not just for their journalistic shortcomings but because many journalists privately relayed to IRI observers experiences of threats and intimidation from locally powerful political and business figures to obtain favorable coverage.

III. Election Day and Ballot Tabulation

IRI's 33 observer teams visited more than 280 individual polling centers on Election Day. Each team observed the opening of one polling center, voting procedures at multiple polling centers and the closing and vote counting process at one polling center visited earlier in the day. Following the count, most teams followed the delivery of results from the polling centers where they observed the counting process to upazila offices or district-level vote consolidation centers, where they observed at least some portion of the vote consolidation process. Observers completed a comprehensive written checklist and filed a 10-question electronic report after departing each observed polling center.

Overall, observers offered a positive appraisal of the voting and vote tabulation and consolidation processes at polling centers and district counting centers where they were present on Election Day. Though observers noted procedural irregularities at many centers, they detected no systematic pattern of violations or irregularities that would call into question the basic integrity of the process or the accuracy of the reported results in their assigned areas.

A. Polling Centers – Environment and Preparedness

IRI observers rated the security environment and general level of organization positively at the vast majority of polling centers they visited. More than 88 percent described the polling centers as organized and calm, while nine percent described them as disorganized and calm. Observers described the environment at only three percent of the centers they visited as politically charged or tense. Reported incidents of violence were extremely rare and did not interrupt the polling process significantly in any observation locations.

According to the law, the polling center extends to an area within a 400-yard perimeter of the building. Security within the 400-yard perimeter was generally tight, and restrictions on the entry of private motor vehicles into the perimeter were enforced. This level of security was consistent with the BEC's announcement prior to Election Day of the planned deployment of roughly 300,000 security personnel at polling centers around the country in a five-tiered security program that included members of the Army, the Rapid Action Battalion force, Bangladesh Rifles (BDR), police and police auxiliaries. Observers frequently saw police or members of the Army inside polling centers and, in some cases, individual polling booths. Some observers reported seeing security forces provide assistance to voters, but did not find evidence to suggest that security forces were engaged in efforts to intimidate or influence voters.

With a single exception, observers reported that all polling centers opened and closed on time at 8:00AM and 4:00PM respectively. Observers also noted that election workers typically conducted opening procedures smoothly. Necessary materials, such as voter lists, ballots, ballot boxes, stamps, indelible inking materials and election law reference materials were on hand in adequate supply.

Properly-composed teams of election officers were present at the opening of polling centers and throughout the day, although observers reported that some periodically took breaks for meals or prayer. Election officers included a presiding officer, responsible for overall management of the polling center and delivery of the results at the end of the day, assistant presiding officers, responsible for management of individual polling booths within the centers, and polling officers, responsible for processing voters through the individual polling booths.

Polling centers varied greatly in size, as measured by the number

of individual polling booths within a center and the overall number of voters served. Though the BEC indicated prior to Election Day that the target polling center size was approximately 2,500 voters, with women's and men's names divided between four and six polling booths in each center, actual numbers varied from a low of approximately 1,200 and a high of almost 6,000 voters at locations IRI observers visited. Some centers had as many as a dozen individual polling booths. In some cases, to conform with the target polling center size, the BEC co-located two or three polling centers within the same building or small complex.

Notwithstanding the variance in size, observers were generally satisfied with the physical arrangements of polling centers to receive and process voters, but noted the lack of a standard layout which would help assure an orderly and systematic progression of voters from one step of the voting process to the next. Ballot boxes were usually, but not always, situated where they could be seen plainly by election officers, political party poll agents, election observers and voters, and voting tables were generally set-up to provide voters with adequate privacy.

New translucent ballot boxes, which replaced the steel boxes previously used, did not pose any issues. Due to poor instructions on the proper use of ballot box seals, however, in some cases election workers affixed the seals in reverse, resulting in an insecure seal that could be removed without damage. Regardless, IRI observers heard no complaints from poll agents about missing, broken, or unsecured seals on ballot boxes either on Election Day or subsequently.

Voter turnout was consistently high throughout the day. At all locations where IRI observers witnessed the opening of polling centers, voters arrived and waited in line before 8:00AM. At most polling centers, there were lines of waiting voters throughout

the day, with average waiting times of about 30 minutes. More than a half of all voters questioned reported waiting between 30 and 90 minutes to vote. Observers generally reported that the lines for women were longer than those for men. In all locations where IRI observers witnessed closing of polling centers save one, voters in line at 4:00PM were permitted to enter the polling centers to cast ballots as provided under law. IRI observers did not find a basis for questioning the accuracy of the 86 percent national turnout later reported by the BEC.

As in past elections, representatives of political parties were present outside virtually all polling centers to assist voters who did not arrive at the centers already in possession of their voter ID and serial numbers. Most voters received this information from political parties before Election Day as a campaign service and get-out-the-vote effort. The chits, usually bearing a party symbol and/or candidate photo, were by far the most common source of observed politicking in the vicinity of the polling centers and of prohibited political material in and around polling centers and booths. After receiving or casting their ballots, most voters left the chits behind on floors and tables in voting booths, or discarded them on the ground outside polling centers.

B. Voting Process

In general, IRI observers described the polling centers they visited as well organized, and the voting process as orderly. Similarly, they described election officers in 90 percent of visited centers as generally knowledgeable and competent. Predictably, the majority of polling centers described as less orderly were the larger ones. Causes for disorder included high turnout, failure of election workers to adequately mark polling booths and direct voters to their proper booth upon entry to the center and problems associated with voters who entered the center without having previously received their voter ID and serial numbers.

In locations where order was a problem, observers frequently reported that poll agents as well as police became active in trying to organize and properly direct voters to their voting booths. Despite these problems, observers noted that voters in almost all cases remained patient and determined to vote.

Consistent with tradition, Bangladeshi women and men queued in separate lines to vote in segregated polling booths whose voter lists were also gender specific. In most instances, observers reported that the lines for women were longer and slower moving because, on average, women took more time to mark their ballots. There are likely multiple reasons why women took longer than men to complete the voting process, however, observers who witnessed the longer lines for women and the longer time women spent in voting booths compared to men, were unable to identify any specific reason for this. Furthermore, data from an exit poll conducted by IRI on Election Day disproves speculation that women decide later than men for whom to vote and that women will vote for whom they are told to vote by a male relative (ie: husband, father, brother).

One frequently noted occurrence was that most female polling booths were not completely staffed by women, defeating the purpose of gender-segregated voting. Many – but not all – women who cover their faces with a veil were asked to remove it to crosscheck their face to the voter list; some women were uncomfortable doing this in front of male election workers, however many felt it their duty and obliged officials. The removal of veils is another potential reason why voting lines for women took longer than for men, though some observers commented on the inconsistency of requests from election workers for women to remove facial coverings.

The process of locating the name and identifying the photograph of a voter on the voter list before issuing a ballot was by far the most

problematic aspect of the voting procedure in terms of slowing the voting process, but still much improved over the confusion evidenced during the August 2008 local elections. However, importantly, observers did not see evidence that the problem ultimately resulted in the disenfranchisement of a significant number of voters, that it opened the door to individuals casting multiple ballots or that persons who were otherwise ineligible to cast a ballot were allowed to vote.

Voters technically did not need to provide election officers with anything more than their names to cast their ballots; election officers finding a name on the list could match the accompanying photo against the voter to prove identity. However, the lists were organized by a sequential series of numbers assigned to voters when they registered to vote, rather than alphabetically, as many Bangladeshis share the same very common names. As a result, if a voter presented nothing but a name, the election officer would have to search line-by-line to find the name and confirm the voter's identity based on the accompanying photograph. With the average list containing 500 names, this process in practice is extremely time consuming and, given the high turnout, unworkable.

Ultimately, there was confusion at polling centers because neither the BEC nor the Home Ministry adequately communicated to the public that the ID cards were *not*, in fact, voter ID cards and, furthermore, that the ID numbers on the cards did *not* correlate with the voter sequence numbers on the voter list. Further adding to confusion, in addition to the voter ID number and the national ID number, each voter is also assigned a serial number during the registration process; many election officials searched the voter list by serial number, while others searched by voter ID number. With several systems in place for identifying voters, but no consistency in implementation, the result was confusion among polling officials and the voters themselves.

To avoid delays in processing voters, election officers instructed voters who entered a polling center without their voter ID and serial numbers to exit the center, get the numbers from one of the political parties stationed outside, and then return to the polling center to vote. This scenario was first observed by international and domestic observers during August 4, 2008, city and municipal elections, the first time the new voter list was used, when most voters did not arrive at polling centers with anything but their national ID cards. Despite recommendations from a variety of groups, including IRI, that the voter list be sequenced either alphabetically or by national ID number to remove the need for voters to retrieve their voter ID and serial numbers from political parties prior to entering the polling center, the process on December 29 still relied heavily on the traditional assistance of parties. Though this is a well-accepted process in Bangladesh, it is, nevertheless, an inappropriate role for parties to play on Election Day.

Once voters were in possession of their voter ID and serial numbers, the process generally went smoothly, and the voter list worked well, though IRI observers heard several reports of political party representatives using slightly outdated voter lists to provide voter ID and serial numbers.

There were a few reports of individuals not being allowed to vote. In some instances, observers reported that election officials made a determination not to give a prospective voter a ballot because they could not locate his or her name on the list, thought the photograph to be an insufficient match, or because a polling agent challenged the person's identity. The few observers who witnessed such incidents reported that election officials typically offered the individual a tendered ballot, which was, according to procedure, held separately and added to the vote count following verification of the voter's identity.

The insufficient scope and poor implementation of the election law's provisions for absentee balloting caused the largest identifiable source of disenfranchisement on Election Day. The primary victims were the nation's estimated 600,000 polling officers and approximately 200,000 domestic election observers. Most of these individuals were registered but unable to be in their home constituencies on Election Day because of the requirements of their work. Based on the very small number of postal ballots received by presiding officers, it was evident to observers that guidelines in the election law establishing who is eligible to use the postal ballot and how the process works must be comprehensively reviewed and improved.

IRI observers did not report significant problems related to the ballot papers themselves, although election officials frequently imprinted the required seal on many ballots in advance, rather than on a single ballot at the time of distribution to a single voter as required by the election law. While this is a potentially serious compromise of overall ballot security, observers did not find evidence at any stage of the process to suggest that anyone exploited this vulnerability. Carelessly applied seals, however, did account for a significant percentage of invalidated ballots in some polling centers.

All locations had an adequate supply of ballots. Presiding officers reported receiving a total number of ballots equal to the total number of names registered in their polling center. Despite the last minute finalization of some candidates held up in the nominee scrutiny and appeals process, ballots in each observed polling center correctly listed all approved candidates in that constituency. The typical ballot offered voters between four and eight choices, including a No Vote option. Voters indicated their choice with an ink stamp.

Voters did not appear to have significant difficulty understanding

the ballot or the proper procedure for marking it and placing it in the ballot box. Consistent with this finding, the number of spoiled ballots was very low in all polling centers visited by IRI observers, and relatively few cast ballots were declared invalid during the vote count.

C. Domestic Election Observers

On Election Day, IRI observers encountered properly credentialed representatives of domestic election observation organizations, in most cases associated with the umbrella Elections Working Group (EWG), a coalition of approximately 30 domestic NGOs working in the fields of democratic development, civic engagement and social work. The EWG planned to field more than 180,000 domestic observers who were recruited and trained by EWG member organizations, each of which assumed responsibility for specific geographical areas to ensure the deployment of one dedicated election observer in each polling booth. According to IRI observers, however, it appeared that the EWG achieved significantly lower levels of saturation than they had hoped, stationing domestic observers in some but not all booths at nearly every polling center IRI observers visited.

Other domestic organizations fielding election observers included the Fair Election Monitoring Alliance (FEMA), Brotee, the Bangladesh Human Rights Commission and JANIPOP.

Overall, domestic election observers were in place and largely performed their duties in a non-distracting manner. IRI observers noted that domestic observers generally conducted themselves professionally, though they were not in all cases as well prepared or as attentive to the proceedings as IRI observers considered appropriate. A limited number of domestic observers were considered biased toward a specific political party and their mere presence was intimidating to many voters. Many presiding

officers asked domestic election observers to leave their polling centers and, in some places, domestic observers were excluded from observing the counting process.

The major domestic organizations released detailed reports of their findings to the public after first sharing them with the BEC. Most reports included several anecdotal anomalies, but considered the election a positive step forward for Bangladesh – especially in regard to the low levels of violence.

The EWG noted that the election included minor incidents and irregularities but found no evidence to suggest any systematic abuse of the electoral system that would have any effect on the overall integrity of the election. EWG coalition member Odhikar, however, a well-respected human rights NGO, issued an additional report under its own name highlighting human rights violations it observed, including improper actions by security forces, which it felt did not receive sufficient weight in the EWG’s final statement.

JANIPOP, which with training and financial support from IRI, conducted the only long-term observation by a domestic group, focused more on the campaign period and the behavior of candidates, including campaign spending, and the pre- and post-election security environment. JANIPOP concluded that political parties and candidates recognized the new election laws and rules, but campaign spending limits were largely ignored. JANIPOP also recognized an unprecedentedly calm security environment, including little confirmed post-election violence, and a dramatic reduction in voting under false identities.

That these and other groups were able to conduct credible election observations in the Bangladeshi context is a success in and of itself. Many electoral stakeholders, including the major political parties and the BEC, once held a very antagonistic stance toward

domestic observer groups. The common complaints were that domestic observer groups have a political bias, that individual domestic observers are unqualified and untrained and also have their own political biases, and that domestic observation produces no useful information. However, at several stages along the electoral roadmap, domestic election observers provided high-quality, unique feedback to stakeholders, including the BEC and political parties. Specifically, JANIPOP (with non-financial support from IRI) conducted a study of the earliest stages of the voter list preparation effort in 2007, the EWG conducted a massive public information campaign on behalf of the BEC and other studies during voter registration, and several groups conducted observations of the city corporation and municipal elections held on August 4, 2008. Each of these projects produced actionable information for the benefit of the BEC, often providing insights into the behavior of other stakeholders, most often political actors, in adhering to or violating the electoral rules – or exploring the rules’ loopholes.

In the summer of 2008, the BEC opened a transparent process for developing new guidelines for domestic election observers. All stakeholders, including the domestic election observation organizations, foreign donors to those groups, international election observation organizations and political party representatives were invited to a series of semi-public hearings hosted by the BEC. A genuine exchange of views occurred during those hearings, and the BEC shared an early draft of its proposed guidelines with stakeholders prior to the hearings and continued to circulate drafts for comment to stakeholders before issuing the final rules. The result was a set of guidelines for domestic election observers that addressed major complaints about the system from both observers and political parties in a balanced manner. While no single stakeholder saw the implementation of all of its suggestions, all groups accepted the final guidelines. This transparent process should serve as a positive model, not

just for future work of the BEC, but also for the work of other governmental bodies in Bangladesh.

Under the new guidelines, political parties were allowed to object to the accreditation of domestic observer groups, and both the AL and the BNP exercised this prerogative. The BEC heard the reasons for objection, as well as the responses from the observer groups, and ultimately withheld accreditation from only FEMA, with a caveat that it would grant accreditation provided the organization change its leadership. As important as the institution of domestic election observation is to democratic elections, the internal actions of the leadership of FEMA and one other organization, DemocracyWatch, during the pre-election period, raised legitimate questions about their political neutrality. IRI partner JANIPOP was the only major domestic election observation organization not objected to by any party.

D. Political Party and Candidate Poll Agents

Reports about the actions of political party and candidate poll agents raised significant concerns for IRI observers. Prior to Election Day, parties and candidates claimed to have recruited and trained more than 200,000 poll agents. In a great many locations, observers reported that poll agents acted outside of their prescribed duties of observing the proceedings and lodging complaints. Poll agents representing a variety of parties and independent candidates at a number of polling centers actively directed voters to the correct polling booth or answered voters' questions about balloting procedures. Of greater concern, observers noted that some poll agents wore pins or buttons, or in some cases even garments, that displayed party symbols, all violations of electoral regulations.

IRI observers also witnessed individual extreme cases of violations by poll agents. In one polling center, IRI observers

reported that a poll agent was allowed to temporarily substitute for an election officer in one polling booth. In more than one center, observers reported that poll agents provided voters with their voter ID and serial numbers from a location inside a polling center. These were clearly violations of election rules pertaining to the responsibilities and duties of poll agents, and they posed at least a potential threat to the integrity of the process.

As active as poll agents were during the voting, in many cases they neglected their duties during the vote counting process. Specifically, a large number of IRI observers reported that poll agents signed blank official count report sheets before the completion of vote counting, thus negating one of their primary purposes. Observers reported that in most cases, poll agents signed the forms casually for time-saving purposes and not under any duress.

In the post-election period, when politicians raised accusations of voting irregularities, especially during the counting process, they mentioned the inadequacy of their own poll agents without assuming responsibility for failing to properly train and inform agents of their duties, and thus failing to utilize their first line of defense against electoral fraud.

E. Ballot Counting and Reporting

IRI observers in all locations reported that polling centers closed on time yet, with very few reported exceptions, accommodated voters that were in line within the perimeter of the polling centers at 4:00PM. Observers reported that police maintained a presence at polling centers throughout the counting process and accompanied presiding officers when they transported their balloting materials to consolidation centers at the conclusion of the counting process. In most cases, the vote counting and ballot reconciliation finished within three to four hours after polling

centers closed.

In general, IRI observers reported that procedures for counting ballots and the recording the count were adequate to ensure the integrity of the process at the 33 locations where they witnessed the process. Observers reported that not all presiding officers mastered procedural details or were able to control the flow of people in and out of the counting room. The irregularities noted did not materially impact the reported result; however, in some instances, observers believed that these irregularities created vulnerabilities that stakeholders could have potentially exploited.

IRI observers reported that, in general, the counting process was implemented in a manner consistent with regulations. Ballot box seals were broken and the content of the boxes from all of the polling booths in each polling center were emptied in plain view of election officers, poll agents, and observers before being counted. In many cases, however, observers reported that the contents of all ballot boxes from one polling center were not combined prior to counting as the procedure requires, but were opened and counted separately. In a few cases observers also reported that the boxes did not have the required number of seals (four), although there was only one case during the day when observers reported finding a box without any seals.

Once removed from ballot boxes, the ballots were unfolded, counted and placed in stacks of 100. Ballots were examined and sorted as valid and invalid, and observers did not report significant disagreements during this process. The number of invalid ballots was under 1.5 percent on average at the centers where IRI observers were present, well within acceptable limits by international standards. Improperly applied ballot seals by election officers, rather than errors by the voter, were the basis for invalidation in a significant number of cases.

Valid ballots were separated and counted by vote selection and the results were recorded on the statement of the count forms. Observers did not witness significant problems or controversy at the polling centers during this phase of the process. Observers reported that the process was adequately transparent, and poll agents were accorded their right to receive a copy of the statement or otherwise record the results, although, as noted previously, poll agents frequently voluntarily signed blank forms to certify the count before it was complete. IRI observers reported that the orderliness of the process was, in some cases, compromised at this stage due to the large number of people present around the counting table and the frequent use of cellular phones by poll agents who were apparently reporting results to their party offices or to candidates. In one instance, observers reported that poll agents themselves were improperly permitted to recount ballots.

Observers also reported only minor problems associated with the final ballot reconciliation. There were no reported cases in which the number of unreconciled ballots was more than a handful, although the typical response, which was to simply record them as missing on the protocol, was problematic. Observers also reported relatively few and minor irregularities, such as failure to use the proper security seals, associated with the final sealing and packing of the ballots and protocols for delivery to the consolidation centers.

The election law states that following the count and ballot reconciliation process, all ballots and protocols from all polling centers within a district must be delivered by presiding officers to the RO's office for consolidation. Misunderstandings pertaining to the ballot consolidation process had become evident weeks before the election, and the BEC convened a meeting with ROs in Dhaka less than a week before Election Day to provide clarification. Despite early warning and efforts by the BEC to

address confusion in advance, this stage of the process appears to have been implemented in an ad hoc manner across the country. Specifically, many presiding officers and AROs improvised a middle step in which materials were first brought to ARO upazila offices before being taken to the district consolidation centers. In one case, an observer team reported that the presiding officer made no less than three stops at other polling centers to pick up their materials before finally arriving at the district consolidation center more than an hour and a half later. According to IRI observer reports, it appears that no counting or consolidation of polling center results occurred at the upazila offices, and though this deviation from the prescribed process could have compromised the security of the balloting materials, IRI observers did not find evidence to suggest this was either the intended or final result of the deviation.

IV. Post-Election Day Environment

After Election Day, 10 of IRI's 13 LTO teams remained in the field for five days before returning to Dhaka for a final debriefing. Post-election observation occurred in 12 districts: Barisal, Bogra, Comilla, Narayanganj, Gazipur, Jessore, Khulna, Mymensingh, Sylhet, Moluvibazaar, Habiganj and Sumanganj. IRI was the only U.S. government-funded delegation to observe the post-election period.

A. Meetings with Local Election and Government Officials

After Election Day, LTOs met with local election and government officials, include ROs. ROs recounted that, overall, the post-election process went smoothly, with a few notable exceptions. For example, the AL challenged the election results in Khulna-2, where the BNP candidate won, and demanded that the RO re-tally the results sheets. The RO complied, achieving the same result as the original, and the AL then demanded a recount of wards 30 and 31 in Khulna City Corporation. The RO referred this demand to the BEC, which stated that a recount was not justified because the AL complaint provided no evidence of a miscount or other form of electoral fraud; the only specific reason the AL gave for wanting a recount was that the BNP margins were larger in these areas than in others. The BNP candidates were certified the winners.

LTO teams also met with local authorities to verify reports of post-election violence. Upon investigation by the LTO teams, the reported incidents of post-election violence were found to be personal or private disputes not relating to the election or the election results. Post-election processions were smooth and peaceful. It is likely that the postponement of celebratory activities and processions by the AL chief helped to defuse a

potentially volatile situation.

B. Meetings with Political Parties

LTOs attempted to meet with as many winning and losing candidates as possible, though many left town or refused to meet with observers. Several losing candidates, particularly from the BNP, who met with LTOs expressed their disappointment in the results, believing many of the election officials were not fair to them. BNP candidates believed that the CTG sided with the AL, enabling that party to win. Independent candidates complained that they did not have the opportunity to contest the election on a level playing field with AL and BNP. BNP representatives with whom observers met also expressed concern about the seizure of several polling centers by supporters of the opposing party, forcing their poll agents to leave the polling centers before the Army came to restore order.

BNP headquarters issued a directive to candidates to collect and send to Dhaka proof of election rigging so the party could submit the collected information to the BEC to contest the election results. LTO observations indicated that many of the BNP candidates did not push hard for the evidence or could not attain proof.

V. Recommendations

Based upon the observations of the IRI delegation, IRI offers the following recommendations to stakeholders of the Bangladeshi electoral system for their consideration:

General Recommendations

1) Decompress the Electoral Timeline to Allow More Meaningful Activity. Despite two years of preparations for the parliamentary elections, the finalization of much of the electoral framework, including the promulgation of the amended RPO, the selection of candidates by political parties, the official and public scrutiny processes and the issuing of rules for domestic election observers, did not occur until the final weeks before Election Day. The result was a higher than necessary degree of uncertainty about the rules, such as campaign finance laws, governing the election, and a reduced ability by political parties, candidates, the media, observers, BEC staff, voters and other stakeholders to complete optimal preparations for a fair and competitive election honoring the letter and the spirit of the framework.

Lengthening the timeline of the election period (without necessarily lengthening the official campaign period itself) will allow more time for stakeholders to understand the election laws, for political parties to adopt and publicize their electoral manifestoes and select their best candidates, for those candidates to plan and conduct their optimal campaigns under the law, for any legal challenges to be fully adjudicated, for domestic election observers and poll agents to be trained, for candidates to engage in public campaigning including organized debates, for the media to cover all aspects of the campaigns, and for the voters to weigh their choices intelligently.

2) Establish and Enforce Realistic Campaign Spending Limits. Bangladesh's system of campaign finance offers inadequate accountability. Violations in the uses of campaign funds and in the overall spending limits are difficult to document reliably and even when violations are self-evident, they often go unchecked by the responsible election officials, the media, other candidates or the public. Winning and losing candidates and their parties frequently admit to overspending, allegedly out of necessity (e.g., to run a campaign that reaches all voters, to reimburse campaign supporters for their own unauthorized expenditures, to pay price-gouging vendors, to appease or employ their own supplicants or to counter overspending by the opponent). Compliance with campaign finance laws is often done after the fact and only on paper through the submission of false documentation to the BEC negating these known transgressions.

The new, higher campaign spending limits established in the amended RPO may still be insufficient for a legitimate parliamentary campaign, although this is difficult to verify because so little reliable data on real spending patterns exists either in the public record or in the hands of the political parties. The BEC should initiate a transparent process to elicit greater understanding of the realities of campaign spending with the goal of determining reasonable spending limits which allow candidates to campaign effectively to deliver their messages to voters in their constituencies, without allowing political campaigns to degenerate into a competition involving gifts and overambitious promises to the voters. The BEC should welcome the honest input of multiple stakeholders – perhaps in a process similar to that used to develop the current guidelines for domestic election observers – and experts.

For their part, political parties should participate in such a process to develop realistic spending limits by bringing accurate,

if unofficial information about real candidate spending based on their own internal audits. Thereafter, political parties should consider each potential candidate's proposed campaign budget alongside other substantive criteria during candidate selection.

The BEC needs greater capacity to monitor campaign spending and stronger teeth to punish violations by both winning and losing candidates in a prompt and timely manner. The media and other watchdogs in the nongovernmental sector, including NGOs, election observers, think tanks and academia, should develop more mechanisms to track and study campaign spending not just to police the candidates but to aid political actors in determining the most effective campaign techniques.

3) Uphold the Neutral Environment Around Polling Centers and Preserve the Secrecy of the Ballot. Voters have the right to cast their ballots in a safe and neutral environment. By most accounts, the parliamentary elections involved very low levels of violence and intimidation of voters, but the saturation of campaign materials and candidate camps in and around polling centers violated not just Bangladeshi election laws, but also international best practices by erasing the political neutrality of the polling centers. In particular, the placement of campaign posters within the legal 400-yard perimeter of polling centers was the norm and not the exception. The dissemination of information to voters through candidate or party camps was also prevalent within areas in which campaigning was legally barred. In addition, given the limited access points to some polling centers, voters were often forced to navigate through intensely politicized areas beyond the perimeter of some polling centers en route to casting their ballots. The dispensation of campaign materials in the form of chits providing voter ID and serial numbers (discussed previously) resulted in partisan materials being carried, displayed and left inside polling centers and booths. Most alarmingly, voters carrying these chits were,

intentionally or not, revealing a strong indicator of their likely vote in an unnecessary violation of their right to a secret ballot and creating opportunities for unscrupulous election officials or candidate agents to discriminate.

The BEC and individual presiding officers, with the support of authorized security personnel, should ensure the neutral environment in, around and en route to all polling centers by removing campaign posters and candidate camps where legally barred. Political parties and candidates should honor the law in this regard.

Finally, a re-sequencing of the voter list by national ID number would eliminate the role of political parties as gatekeepers to the polls. It is critical that all stakeholders recognize that the creation of national ID cards with unique ID numbers assigned to each card holder renders the sequencing of the voter list in other non-intuitive ways obsolete.

Recommendations for Bangladeshi Political Parties and Candidates

4) Prepare Standing Party Policy Platforms Instead of Ad Hoc Electoral Manifestoes. The standard practice by political parties of drafting their electoral manifestoes on the virtual eve of an election serves neither the voters nor the parties well. Voters have too little time to learn of them, the press has too little time to compare them and parties have too little time to publicize them. For the parliamentary elections, candidates were selected to represent the parties before the completion of manifestos; this suboptimal practice guarantees minimal loyalty to the unfamiliar party message. In practice, political party electoral manifestoes are largely inaccessible to voters, largely unread by candidates and largely forgotten by the government and the opposition as quickly as they were written. The level of

specificity and uniqueness of the manifestoes is also perennially questioned, and no major party has used the electoral manifesto as an opportunity to detail how it would similarly advance its agenda if relegated to the opposition bench.

At a minimum, the preparation of electoral manifestoes distracts key party leaders in the busy window between the scheduling of an election and the opening of the campaign period when such work could be done well in advance. As such, political parties should develop standing policy platforms based on their defining philosophies and their translation into policy principles separately highlighting past accomplishments of the party, current work to accomplish specific goals in the government or opposition (as well as at the national and sub-national levels), and problem-solving ideas for future implementation. Time and resources currently spent on writing complete electoral manifestoes upon declaration of an election could be better invested in translating the most important defining elements of a party policy platform into voter-centric messages relaying the value of specific, achievable policy goals.

5) Identify More Competitive and Qualified Candidates. The Bangladesh Parliament is composed not of the government and opposition nor of electoral coalitions nor of a dozen political parties, but of 300 directly elected members of parliament and an additional 45 women indirectly selected as members of parliament to reserved seats. All members begin their journey to public office as candidates, and the Bangladeshi voters deserve the best possible choices. Rather than settle for candidates who meet the minimum legal criteria for eligibility, political parties should voluntarily and proactively identify and recruit candidates with strong appeal to the voters they seek to represent. To do this, political parties should begin the process of candidate selection much earlier to allow greater public scrutiny of candidates or potential candidates, to test campaign

skills, and to ensure that candidates represent the party well. Parties should screen candidates more thoroughly to ensure an understanding of local and national issues, popularity within the constituency, familiarity and solidarity with the policy goals of the political party and its manifesto, and an ability to develop a campaign plan and budget which adheres to all relevant laws. Political parties should recognize their long-term interest in selecting candidates not just on their ability to win votes, but on their ability to perform well as representatives of the people in the parliament if elected.

Political parties should recognize the wisdom of the amended RPO's new requirement that parties select candidates with input from the party grassroots and embrace that legal requirement to further their own self-interest. Allowing local party activists to select from all would-be candidates seeking their party's nomination, or even to select from a smaller number of candidates pre-approved by the party's national leadership, is an easy way of testing the popular appeal of candidates, of establishing their campaign acumen and of inspiring grassroots enthusiasm. Although not required by law, parties should voluntarily establish a residency requirement for their own candidates to increase the appeal of candidates at the grassroots level.

6) Prepare Candidate Poll Agents for Their Roles. In accordance with international standards, Bangladeshi law gives all candidates the right to station poll agents inside polling booths to monitor activity and, when necessary, raise objections. In past elections in Bangladesh, the poll agents, with their ties to local communities, were an important safeguard against false voting under assumed identities, a role made all-but-obsolete with the introduction of the new voter list with photographs. Poll agents can still play a vital role, but it is critical for political parties and candidates to reexamine how best to utilize agents under the law, including improving selection criteria and training.

Parties and candidates must ensure recruitment of an adequate number of poll agents and/or develop prioritized deployment plans to ensure their optimal presence in all polling booths throughout Election Day. Recruitment should occur sufficiently early so that poll agents can receive the necessary information and training from their parties or candidates (and possibly orientation from local election officials) on their role throughout the day and, critically, their responsibilities during the counting process. Since poll agents are typically compensated for their work, parties and candidates may wish to consider a knowledge and skills test following training to ensure they can perform their responsibilities.

7) Refrain from Provoking Uncivil Behavior. The entire election period was happily characterized by very low levels of violence, and political parties deserve due credit for refraining from certain confrontational practices before, during and after Election Day, such as the staging of legally-barred competing political rallies (showdowns) and the voluntarily withdrawn victory celebrations. To a degree, the political party-fueled breakdown of civil order in January 2007 and the shadow of the State of Emergency conveyed a seriousness of consequences previously alien to the traditional practice of politics but, in the future, political parties should respect the wishes of the voters to avoid election violence by taking the lead in establishing and subsequently abiding by a code of civil conduct and refraining from behaviors known to incite violence.

Recommendations for the Government of Bangladesh

8) Advance the Independence and the De-Politicization of the BEC Secretariat. In the future, the prerogative to appoint the head of the BEC's Secretariat should not revert back to the Office of the Prime Minister. This is inconsistent with the principle that guides recruitment and appointment of election officers at all other levels of the system, and has been the source of justifiable controversy in the past. The head of the Secretariat should be recruited from the senior civil service through the Ministry of Establishment and serve at the pleasure of a majority of the members of the BEC, which should exercise greater autonomy in its budget and personnel decisions.

Recommendations for the Bangladesh Election Commission

9) Reduce Disenfranchisement by Ensuring All Voters Access to the Ballot Box. The many accomplishments of the BEC in preparation for the parliamentary elections – creation of a new voter list, amendment of the election laws, the first significant constituency delimitation in several election cycles and ultimately the conduct of elections with high voter turnout, little violence and widespread acceptance of the results by candidates and voters alike – proved the BEC's excellence in technical preparations under challenging circumstances. With the mechanics of the elections in place, the BEC should next focus on improving access for several disenfranchised groups of voters.

Provisions must be made to enable Bangladesh's large disabled population to vote. Polling centers were not generally easily accessible to handicapped voters. Observers witnessed voters being carried or attempting to climb multiple flights of stairs with canes and walkers. Systems, such as voting facilities on the ground floor or mobile voting, should be put in place to ensure

full access by disabled and elderly voters.

Although observers witnessed fewer noticeable problems experienced by other traditionally disadvantaged groups, namely female and illiterate voters, the BEC should remain vigilant to ensure that their rights are respected. In particular, ensuring that all voters understand voting procedures would likely accelerate the voting process and ameliorate longer lines.

Significantly, the BEC should begin to address the problem of the number of groups of legally eligible registered voters who were effectively disenfranchised *en masse*. These groups include more than one million persons working on Election Day: BEC and polling center staff, domestic election observers, translators for international observers, journalists, poll agents, and police and security personnel. Although provisions for postal balloting exist in the law, they apply only to those on official duty (but not for accredited election observers or credentialed journalists). Moreover, the opportunity for postal balloting was denied to most of those working in an official capacity on Election Day because of low levels of awareness of the option, insufficient preparations and late notice (after the cut-off date for postal balloting) to those seconded to staff polling centers. The scope of the provision for postal balloting should be reviewed and expanded to include all registered citizens that can demonstrate a valid reason for being outside their electoral constituencies or otherwise unable to visit their polling centers on Election Day. At a minimum, those issued credentials by the BEC Secretariat – domestic election observers, translators for international election observers and journalists – should be included in the redrawn provisions.

10) Maintain the Quality of the Voter List While Improving Its Utility. Currently, there is little doubt about the quality of the voter list whether measured by objective quantitative analysis,

public opinion or the results of its use during the parliamentary elections. This feat is important, not just because of the size and complexity of the undertaking but because, in past elections – and significantly the cancelled January 2007 elections – the accuracy of the voter list has been a prime concern of stakeholders. It is incumbent upon the BEC to maintain the voter list to the high standard it has established. To that end, the BEC must make a concerted and well-communicated effort to maintain both the accuracy of the list and the currently high level of public confidence in the list's integrity.

Updating the List

Already, the BEC has conducted upazila elections and parliamentary by-elections using the 2008 list, and it is unlikely that the BEC will complete its planned update of the list before other elections expected later in 2009. The BEC must put the necessary systems in place as soon as possible to produce a current voter list on demand.

The mixed result of efforts to register voters who did not register in the original phase of the enumeration process in 2008 suggests that the BEC may need to review and adjust procedures for regularly updating the list. In addition, the BEC should accompany this effort with a significant and nationally consistent campaign to help voters understand the procedures for adding and removing their names to and from the list in the locations where they reside.

In 2008, a large number of individuals legally eligible to vote were excluded from the registration process. Of greatest significance were Bangladeshis living overseas and a large number of would-be first time voters whose 18th birthday fell during the lengthy voter registration process. The BEC should reexamine its ability to register and then obtain ballots from overseas Bangladeshis in the future. It should also ensure that, when its 2009 update of the

voters list is completed, the infrastructure is in place to enable continuous updating of the voter list so that future elections at the local or national level are conducted with the most current voter list possible.

Sequencing of the List

The BEC must commit itself to solving problems associated with the sequencing of names on the voter list to remove political parties from the process. Political representatives should be present at polling centers for no other purpose than observation of the voting process as provided by law and should not officially or unofficially serve as gatekeepers to the polls.

Although this practice did not originate in Bangladesh with the December 2008 parliamentary elections, it was not an expected feature of elections using the new list. During the August 4, 2008, city and municipal elections, polling officials were unable to swiftly locate the names of voters on the list by means of their names, faces and national ID cards because the list was sequenced using a serial number not included on the national ID. As a result, political parties quickly stepped in to set-up stations outside polling centers to provide voters with the necessary numbers. After these local elections, domestic and international observers recommended a re-sequencing of the list by national ID number.

The failure of election officials and other stakeholders to address this problem – or in some regards, to even recognize this as a problem – following the August 4 elections allowed political parties and candidates to conduct more aggressive outreach efforts prior to the parliamentary elections delivering chits containing voter ID and serial numbers along with campaign materials directly to voters' homes. This reduced the prevalence of party camps within the perimeters of polling centers; however, as noted previously, voters carrying chits with them to vote frequently

exposed an indicator of their intended vote to election officers and poll agents and, after voting, littered the supposedly neutral environment of the polling center with campaign literature.

With the introduction of national ID cards that include a permanent unique identifying number to each eligible voter this traditional practice is now completely unnecessary, and the BEC should re-sequence the voter list by national ID number.

11) Streamline the Organization of Polling Centers and Polling Booths. The BEC faces natural limits on the physical facilities available to serve as polling centers, but better forethought into polling center set-up and flow would improve the voters' experiences and the quality of the election.

With better external marking of polling centers, voters will more easily recognize newly established voting locations, confirm they have reached the correct center before entering and distinguish between polling centers in close proximity to each other. Proper official signs become even more important once the ban on campaign materials within the 400-yard perimeter of polling centers begins.

Although Bangladeshi rules identify the ideal polling center as having around five separate polling booths each with approximately 500 voters, or 2,500 total for the center, the practice is frequently to co-locate multiple polling centers within the same building or small complex, especially in urban areas. This resulted in overcrowding and confusion, and the practice of using one building to house more than one distinct polling center should be reviewed carefully and alternatives explored before it is repeated for convenience.

Similarly, the uses of a single room inside a polling center to house multiple polling booths, each with its own voter list and

ballot box, should be minimized. Not only is crowding of voters inside the room and in line outside the room a problem, but the clustering of poll agents and sensitive ballot materials assigned to separate booths in such a confusing environment should be avoided. When space must be shared by polling booths, rooms with more than one entrance should be employed first.

The BEC may wish to consider placing posters inside polling centers and polling booths to provide graphic examples of how to mark and fold ballots correctly, as well as to establish a common understanding of the responsibilities and rights of presiding officers, other election officers, poll agents, election observers and journalists.

Polling centers and polling booths could benefit from additional standard supplies, such as calculators (especially useful during counting procedures), flashlights (for the many poorly lit polling booths and to avoid the impromptu use of candles during electricity shortages after dark), additional inkpads and stamps and privacy screens for polling booths (replacing poor quality improvised curtains which sometimes became transparent in bright sunlight or otherwise provided inadequate coverage).

Finally, more female staff are needed in polling booths for women to ensure full realization of the benefits of gender-segregated polling booths.

12) Enlarge and Empower the Cadre of Professional Election Officers. The recently completed transition of the upazila chief executives from the status of civil service appointees to elected officials has resulted in the elimination of a large and critical layer of the election administration infrastructure. Nevertheless, this transition provides the BEC with an excellent opportunity to build on the administrative successes of the recent election. The BEC should move quickly to fill this gap in a manner that

significantly strengthens its overall administrative capacity and reinforces the system's politically neutral character.

Toward this end, the BEC should develop a plan for substantially enlarging, professionally elevating and legally empowering the cadre of existing election officers to enable them to play a larger and more sustained role in the nation's election administration system.

The only full-time BEC officers deployed permanently outside of Dhaka – an 84-member cadre – is presently too small, provided with inadequate resources and underutilized. The BEC should consider enlarging this cadre to include non-political, professional election officers at the district and upazila level. The latter could perform the ARO duties previously assigned to the upazila chief executives during elections.

The GOB should support the BEC in this process by providing adequate resources and autonomy and ensuring the non-political nature of the merit-based appointments.

Again, the recruitment of additional female personnel would benefit the work of the BEC outside of Dhaka.

13) Increase Training for District, Upazila and Polling Center Election Officers. The BEC is distinguished in comparison to most other national election commissions because it has a permanent associated Electoral Training Institute (ETI). This is a potentially valuable resource not currently utilized to its full potential for the training of election officers.

An enlarged and more broadly empowered cadre of permanently stationed district- and upazila-level election officers would greatly expand the ETI's outreach and capacity to provide uniform training and instruction to presiding officers, in

particular, in advance of elections. Additionally, the ETI could offer training for BEC field staff to enable them to better identify local resources for elections, such as potential polling center locations, to more effectively manage the flow of voters into and inside polling booths (and how to exclude miscreants), to secure ballot materials, including proper use of ballot box seals, and to understand the counting and consolidation processes.

14) Expand the Accreditation Process to Polling Center Election Officers and Poll Agents. The practice of issuing credentials to domestic election observers, international election observers and their translators, and journalists establishes their right to be present inside polling locations on Election Day. The BEC should take more preparations for the issuing of credentials, and also expand the practice to provide quality identification to all non-voters authorized to be present inside polling centers, namely polling center election officers and poll agents. Such identification should include the name and photograph of the accredited person. This will necessitate earlier planning by the BEC and by candidates and political parties as to who will serve in those roles to allow adequate time for formal credentialing. Earlier planning, however, provides ancillary benefits for each group, such as allowing more time for training or postal voting, while improving identification badges for poll agents and election officers.

15) Aim for Uniform Implementation of Procedures. Strong procedures on paper do little to increase voter confidence in elections if they are not or cannot be implemented under the uniform rule of law. The BEC should work to establish uniform procedures which can be realistically followed and understood equally by election officers, candidates, political parties, journalists and observers in advance of their implementation.

For example, the BEC should thoroughly review implementation of the election law's new provisions pertaining to character thresholds for nominees and petition requirements for independent candidates. The BEC should develop a standardized method for implementing this policy, including issuing new and stricter guidance to ROs regarding implementation and verification of candidate compliance with these important and necessary provisions.

The BEC should invest in systems to ensure uniform posting of information about candidate disclosures before the election and reporting on the count after the election. More information about the filing and adjudication of complaints should also be available.

16) Improve Counting and Consolidation Procedures. Procedures for the counting of ballots and the consolidation of results at every level must be regularized and standardized in accordance with the law through better training of election officers. In addition, better trained poll agents will ensure a crucial secondary check on results at all levels.

Prior to Election Day, observers detected a large amount of unfamiliarity with the official rules established by the BEC for the consolidation of results. On Election Day, observers witnessed a variety of counting techniques and saw unfamiliarity with consolidation rules blossom into a variety of suboptimal processes. The role of poll agents in certifying the validity of the count and the public posting of results at polling centers must be institutionalized as a public check on intentional and unintentional errors.

The BEC should consider counting, recording and reporting ballots at the level of the polling booth, i.e. by each ballot box, rather than the current system of counting at the polling center

level. Frequent practice in Bangladesh is already to count the ballot boxes individually and then aggregate polling center results before reporting. This process not only consumes more time and excludes a large number of poll agents and election observers from witnessing the count, but it can mask offsetting errors. In the worst case scenario, it transfers problems isolated to one polling booth to the whole center's results and makes the origin of the error untraceable with certainty.

Recommendations for the Bangladeshi Press

17) Plan Ahead for Better Reporting During the Campaign Window. Media houses should prepare their journalists early for how to locate and understand required disclosures from candidates, including campaign promises, and how to assess their validity during the limited timeframe of the election. Journalists should be able to report beyond a recitation of the facts as stated and place issues of character, biography and policy into a context of interest to the readers which provides them unique information useful to them in deciding how to cast their votes.

Journalists should be prepared to report more comprehensively and avoid chronicling the campaign of a single candidate in a single story. Instead, journalists should incorporate coverage of a candidate's opponents, including an opportunity to comment, and reaction from voters into reporting alongside analysis by recognized experts.

The national media houses should aggregate information available from their field correspondents into a coherent unified national portrait which may confirm or conflict with the strategy of the national level of the individual political parties.

18) Remember to Devote Resources for Post-Election Reporting. Post-election reporting, including analysis of

election results, identifying patterns of strength and weakness, documenting the formal findings of domestic election observers and investigating campaign spending claims, currently receives less prominent attention than pre-election and Election Day reporting, and journalists should not neglect these areas as they begin coverage of newly elected officeholders and the seating of the next government.

Journalists and their media houses should use the campaigns to document official and unofficial commitments made by candidates to establish a baseline for post-election reporting on members of parliament.

19) Raise Professional Standards for Reporting and Ethical Behavior. The BEC attempted to establish a formal code of conduct for journalists before dropping the initiative after a round of dialogues with stakeholders. The draft code of conduct for journalists focused on the overall principles that should guide a print, broadcast or electronic media outlet's entire coverage of campaigns and elections. While it was ill-advised for the BEC to dictate the terms of political reporting to news houses, the professional news media should consider establishing its own standards, either for in-house guidance or as a voluntary industry-wide consensus.

Journalists would be wise to develop and submit to the BEC their own recommendations on improving the integrity of the credentialing process for *bone fide* reporters to protect their professional reputation against partisan operatives using journalist credentials to gain an illegitimate presence in and around polling centers on Election Day.

20) Expand Sponsorship, Reporting and Utilization of Scientific Public Opinion Research. News houses should continue to expand on the emerging trend of commissioning

professional, scientific public opinion research in the pre- and post-election context. Such surveys should include more than documenting horserace numbers, which show the relative strengths of political actors (and establish a public baseline which can impede later undocumented conclusions of electoral fraud). Surveys should also reveal the issues of concern for the general public. Coverage of these issues can help voters make more informed choices and also positively encourage candidates to refocus their campaigns on substantive issues.

VI. Appendix

A. *IRI Delegation List*

Short-Term Delegates

1. **Ms. Constance Berry Newman**, *Head of Delegation*, IRI Board Member and former Assistant Secretary of State for African Affairs
2. **Ms. Anya Borshchevskaya**, Researcher, Johns Hopkins School of Advanced International Studies
3. **Mr. Li Fan**, President, World and China Institute
4. **Mr. John Fluharty**, Independent Consultant
5. **Mr. Michel Huneault**, Senior Development Officer and Analyst, Canadian International Development Agency
6. **Ms. Nana Kashakashvili**, Advisor to the Republic of Georgia's Deputy Minister of Labor, Health and Social Affairs
7. **Mr. Irakli (Tony) Kavtaradze**, International Secretary of the United National Movement and a Member of Parliament, Republic of Georgia
8. **Ms. Renata Kuras**, Independent Elections Expert
9. **Mr. Rati Maisuradze**, Member of Parliament, Republic of Georgia
10. **Mr. Constantine Makris**, International Development Cooperation Agency (Hellenic Aid), Greek Ministry of Foreign Affairs
11. **Ms. Heather Orrange**, International Human Rights and Elections Expert
12. **Ms. Tamara Otiashvili**, Consultant for the Office for Democratic Institutions and Human Rights, Organization for Security and Cooperation in Europe, Republic of Georgia
13. **Mr. Scott Palmer**, Former Chief of Staff to the Speaker of the U.S. House of Representatives Dennis Hastert

14. **Mr. Michael Rubin**, Resident Scholar at the American Enterprise Institute
15. **Ms. Deb Sofield**, President, Executive Speech and Presentations Coaching Co.
16. **Mr. Jenó István Szep**, Project Manager for IDOM 2000 Consulting Co.
17. **Mr. Joshua White**, Doctoral candidate at Johns Hopkins University School of Advanced International Studies
18. **Mr. Ernest Wickersham**, Independent Elections Expert

Long-Term Observers

1. Mr. Namusonge Wafula Dunston
2. Mr. Christopher Wilson
3. Ms. Silvina Silva-Aras
4. Ms. Maggie Hammett
5. Mr. Ethan Arnheim
6. Mr. Crispy Kaheru
7. Mr. Steve Micetic
8. Ms. Tuija Maaret Pykalainen
9. Mr. Ron Laufer
10. Mr. Isa Matovu
11. Ms. Rosaini Sulaiman
12. Ms. Sarah Topol
13. Mr. Les Margosian
14. Mr. Idrissa Kamara
15. Ms. Hasnah Hashim
16. Mr. Mark Saric
17. Mr. John Dwyer
18. Ms. Sabina Khalid
19. Ms. Maimuna Mwidau
20. Mr. Mukalay Narcisse Banze
21. Mr. Gibrilla Jusu
22. Ms. Rebecca Kilhefner

23. Ms. Meaghan Fitzgerald
24. Mr. Abubakar Mahmud Koroma

IRI Staff

1. **Judy Van Rest**, Executive Vice President
2. **Cynthia Bunton**, Asia Regional Director
3. **Jeff Vanness**, Resident Country Director, Bangladesh
4. **Andrea Keerbs**, Resident Program Officer, Ukraine
5. **Chris Wyrod**, Resident Country Director, East Timor
6. **Cole Buerger**, Assistant Program Officer, Burma and North Korea
7. **Sean Walsh**, Resident Country Director, Lebanon
8. **Luis Azurduy**, Assistant Program Officer, Bolivia
9. **John Miller**, Senior Assistant Program Officer, Mongolia and Cambodia
10. **Adam King**, Program Assistant, China
11. **Urnukh Khuujii**, Political Program Coordinator, Mongolia
12. **Samnang Chhim**, Program Officer, Cambodia
13. **John Cavanaugh**, Resident Country Director, Macedonia
14. **Anthony Chang**, Deputy Regional Director, Europe
15. **Brandon Muir**, Assistant Program Officer, Peru
16. **Aura Lopez**, Program Manager, Colombia
17. **Jake Dowd**, Program Assistant, Indonesia and Malaysia
18. **Kate Natrass**, Senior Assistant Program Officer, Europe Regional Program and European Partnership Initiative
19. **Lauren Oing**, Assistant Program Officer, Zimbabwe
20. **Steve Pier**, Resident Country Director, Oman
21. **Dorothy Miller**, IRI Consultant
22. **Tyler Lowe**, Program Assistant, Iraq

C. IRI Preliminary Statement on Bangladesh's Parliamentary Elections

For Immediate Release
December 30, 2008

Dhaka, Bangladesh – The International Republican Institute (IRI) found Bangladesh's December 29, 2008, parliamentary elections a major step forward in demonstrating the country's commitment to strengthening democracy. The process appears to have yielded a result that accurately reflects the will of Bangladeshi voters.

What is crucial in the aftermath of this election is that Bangladesh's leaders recognize that Election Day is only one part of a democratic political process; political parties, candidates and citizens should accept the results and work together for a peaceful transition of power. IRI will continue to follow events in this election through the final counting and adjudication processes to the transfer of power.

IRI's 65-member delegation of short and long-term election observers monitored more than 250 polling stations in all six administrative divisions of the country. Prior to Election Day, observers were briefed by representatives of the Bangladesh Election Commission (BEC), major political parties and domestic monitoring groups. IRI also conducted two pre-election assessments in Bangladesh from July 31-August 8, 2008, and October 13-21, 2008. The teams evaluated the state of preparations for the parliamentary elections.

The delegation was particularly impressed with the dedication of the millions of Bangladeshi voters who stood patiently in line to exercise their civic rights and to participate in the political process. At the polling stations observed by IRI's teams, the

process appeared organized and calm, and election officials were generally knowledgeable about election law. Though observers noted many procedural irregularities they did not believe them of the scope and severity that would call into question the legitimacy of the process or outcome.

The successes of Election Day were due in large part to the establishment of the new voter list. The Caretaker Government, the BEC, the Army and the United Nations Development Program are to be commended for their efforts to register more than 80 million eligible voters and ensure their inclusion in the new list.

IRI's delegates were also impressed by efforts to ensure procedural transparency. In addition to the more than 500 international election observers credentialed by the BEC, thousands of domestic observers and political party agents witnessed the voting and vote tabulation processes.

Though the campaign was abbreviated, political parties and independent candidates had an equal and adequate opportunity to make their case before the Bangladeshi public. In addition, Bangladeshi media appears to have covered the campaign extensively giving Bangladeshi citizens timely information about election-related activities.

IRI observers did see room for improvement.

Specifically, steps should be taken to improve the process by which voters are identified at the polling station. This would help alleviate crowding and long lines. It would also remove the opportunity for political party activists to play an inappropriate role at voting stations on Election Day.

Delegates witnessed numerous instances in which political

party agents assisted voters and/or displayed party materials in the polling station. In some instances, observers even noted campaigning taking place around the polling station, which is in direct violation of the law.

Inconsistencies in the vote consolidation process also led IRI observers to conclude there is a need for more thorough and consistent training of election workers.

Nonetheless, Bangladeshi leaders and citizens should be congratulated for an election that restores the electoral foundation of Bangladesh's democracy.

IRI's delegation was led by Constance Berry Newman, IRI board member and former Assistant Secretary of State for African Affairs. Other members of the delegation, which included representatives from Canada, China, Georgia, Greece, Hungary and Poland were: Anya Borshchevskaya, a researcher at Johns Hopkins School of Advanced International Studies; Li Fan, President of the World and China Institute; Michel Huneault, Senior Development Officer and Analyst for the Canadian International Development Agency; Nana Kashakashvili, Advisor to the Georgian Deputy Minister of Labor Health and Social Affairs; Irakli (Tony) Kavtaradze, International Secretary of the United National Movement and a member of the Georgian Parliament; Renata Kuras, an elections expert from Poland; Rati Maisuradze, Member of Parliament, Republic of Georgia; Constantine Makris, International Development Cooperation Agency Hellenic Aid at the Greek Ministry of Foreign Affairs; Heather Orrange, an international human rights and elections expert from Canada; Tamara Otiashvili, a consultant from Georgia with the Organization for Security and Cooperation in Europe's Office for Democratic Institutions and Human Rights; Scott Palmer, former Chief of Staff to the Speaker of the U.S. House of Representatives Dennis Hastert; Michael Rubin,

Resident Scholar at the American Enterprise Institute; Deb Sofield, President, Executive Speech and Presentations Coaching Co; Jenő István Szep, of Hungary, Project Manager for IDOM 2000 Consulting Co.; Joshua White, a doctoral candidate at Johns Hopkins University School of Advanced International Studies; and Ernest Wickersham, an independent elections expert from the United States.

IRI staff also served as observers and assisted in the mission. IRI staff was led by Judy Van Rest, Executive Vice President; Cynthia Bunton, Regional Director for Asia programs; and Jeffrey Vanness, Resident Country Director for Bangladesh.

IRI began working in Bangladesh in November 2003 with initial goals focused on strengthening domestic election monitoring; expanding the participation, leadership development and influence of women and youth in politics and civil society; and developing the advocacy skills of individuals who work to increase political party responsiveness to the needs of the Bangladeshi people. IRI also supports the National Election Observer Council (JANIPOP), a domestic election observation organization that trains and fields observers to monitor every stage of the election process.

IRI has monitored more than 130 elections since 1983.

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***E. Are We Building a Better Voters List for Bangladesh?
Findings and Recommendations on the Initial Phase
of Voters List Preparation in Representative Part of
Bangladesh, June-October 2007***

Produced by the Jatiya Nirbachon Parjabekkon Parishad /
National Election Observation Council (JANIPOP)

About JANIPOP

Jatiya Nirbachon Parjabekkhon Parishad (JANIPOP), also known in English as the National Election Observation Council, exists to conduct electoral monitoring for the purpose of improving Bangladesh's democracy through the conduct of free and fair elections. We subscribe to international standards for election monitoring and continually strive to implement recognized best practices. JANIPOP began in 1995 as a network of committed volunteers, and today we consider the spirit of volunteerism as much a part of our identity as we do our commitment to nonpartisan objectivity.

In its twelve years as an election observation organization, JANIPOP has developed a network of trained, neutral, objective volunteer observers who have not only monitored national, local, and intermediate by-elections in Bangladesh, but who have also participated in long-term and short-term election observation missions in Pakistan, Nepal, Sri Lanka, Egypt, Denmark, Hong Kong, the United Kingdom, and the United States.

JANIPOP is registered with the Government of Bangladesh as a non-profit organization through the NGO Affairs Bureau. It is also a member of the Elections Working Group (EWG), which operates under a Memorandum of Understanding with the Bangladesh Election Commission, although JANIPOP abstains from voter education activities in order to maintain its ability to objectively conduct electoral observation projects.

About This Study

The purpose of JANIPOP's assessment of the initial phase of the preparation of a new voters list with photographs was to support the Bangladesh Election Commission's goal of conducting free and fair elections nationwide before the end of 2008 by providing constructive feedback for the ongoing process. According to international standards, JANIPOP's observations were not limited to the actions of election officials but encompassed the totality of the entire electoral scenario including the public's understanding of the process, the registration environment, and the actions of third parties which might disrupt the Election Commission's work.

JANIPOP would like to acknowledge the support of the United States Agency for International Development (USAID) and the International Republican Institute (IRI) for supporting training sessions to improve the professional skills of JANIPOP's observers and for providing overall guidance and advice. All field activities were conducted on a purely volunteer basis without the financial support of any foreign or domestic entity. The views expressed in this report are JANIPOP's and do not necessarily represent the views of USAID, IRI, or any other organization.

EXECUTIVE SUMMARY**Election Commission's Good Faith Efforts Win Public Confidence**

The Bangladesh Election Commission's endeavor to compile a completely new and accurate voters list containing the photographs of the voters has begun strongly. Although inconsistencies in enumeration and identity verification persist, the Election Commission has earned the public's confidence as the preparation of the voters list now escalates to a wider nationwide level. Despite the difficulty of the task, the Bangladesh Election

Commission and its subordinate levels, as well as its partners, have made more than a good faith effort to register each eligible voter in the initial registration areas.

JANIPOP witnessed enumerators moving through communities to gather data on local residents and observed the subsequent registration of voters at centers in those communities. Overall, the observers found that the process was conducted in a confidence-inspiring fashion. The centers were very well organized, the staff was well trained, and voters showed a high degree of confidence in the preparation of this voters list.

Enthusiasm and Confusion Over National ID Cards

Although it is not the primary purpose of the preparation of a new voters list, registrants were particularly excited about receiving a National Identity Card, which was for many the first time that they had received any official identity document featuring a photograph. However, citizens and the government hold differing understandings on the utility of these cards and their legal standing which creates not just opportunities for intentional and unintentional voter exclusion later on, but may also produce a backlash of voter confidence in the registration process.

Although the cards have been received with or are anticipated with great enthusiasm in all areas, misspellings of names and poor quality photographs have soured the experience for many with the path for correcting errors still unclear despite the high-profile nature of this aspect of the voter listing. The early emergence of fraudulent National Identity Cards also poses an ominous portent as to the security of upcoming elections.

Variations in Enumeration Practices Open Avenues for Fraud

While JANIPOP observed few major irregularities at the

registration centers, enumeration and identity verification were conducted in a less consistent manner. This lack of consistency in enumeration may open the door for errors or manipulation of the voters list at a later date.

Procedures followed by enumerators vary greatly, with at least six different models observed in the field. These inconsistencies in the absence of a clearly defined and publicly announced methods for enumeration, create avenues for intentional and unintentional exclusion of voters and for non-residents to register to vote improperly.

Confirmation of Identity Not Serving Its Purpose

To ensure the integrity of the voters list, the Bangladesh Election Commission has devised a series of checks beginning with enumeration in the home to ensure residency and ending with a comparison of registrants' fingerprints to detect duplication. As an intermediate step, the identity and residency of voters are to be confirmed at the registration centers by election officials. Although this role has been carried out by a wide range of actors (including local elected leaders, past candidates for local office, local leaders, and enumerators themselves) in the absence of a standard procedure, it has not served as an effective check.

Oddly, JANIPOP observed no instance when a voter was turned away because of failure to confirm identity. Furthermore, the first instances of double registration "caught" by the fingerprint comparison only underscore failures earlier in the confirmation system.

Laxity in the enumeration and voter identification processes has also been allegedly exploited by third parties, including officeholders and aspirants to office, to pack supporters onto the voters list in contested districts. Whether or not this turns out to be true, the allegation itself and the fact that gaps in registration

procedures lend credibility to the idea that political parties will commit voter fraud can undermine confidence in the elections.

Anticipated Problems Prevented By Good Planning

While the orthodoxy of the Bangladesh Election Commission's procedures erode as registration activity grows, several anticipated impediments to the successful execution of this project have not arisen because of the Bangladesh Election Commission's foresight and planning.

The registration of women has not been impeded by any reluctance to be photographed due to an effective outreach campaign carried out through Muslim religious leaders and other respected community figures.

The Bangladesh Election Commission is making all necessary provisions to register disabled persons at their homes by bringing mobile registration centers directly to them, and it is also registering voters at prisons.

Impressively, the Bangladesh Election Commission has demonstrated its desire and its ability to serve even the most remote and isolated communities, such as island communities and urban slum areas, with an effort equal to that of mainstream communities.

Emerging Problems Can Be Solved Now

The Bangladesh Election Commission, which has continually improved the registration process since it launched the first pilot effort in Sreepur, has the opportunity to correct emerging problems before they undermine the ultimate output of the voter registration process: a complete and accurate final voters list which elicits the full confidence of all stakeholders. Although the Bangladesh Election Commission is not responsible for all irregularities, it has the unique power to coordinate the

various actors and stakeholders to strengthen the integrity of the process.

To reduce confusion over the nature and use of the National Identity Cards, the Bangladesh Election Commission needs to coordinate with the Elections Working Group to provide more, better, and clearer messages to the effect that voters will not be asked to present their ID cards in order to cast their votes because their photograph will be incorporated into the printed voters list itself to let poll workers verify identity. That information should also be given to voters by those distributing the National Identity Cards.

Furthermore, the Home Ministry urgently needs to inform the Bangladesh Election Commission as to the legal standing of the National Identity Cards currently being issued as part of the preparation of a new voters list, including what fees citizens may face if they need to convert their cards in the near future.

Enumerators need to have the importance of following established procedures more concretely ingrained in them during training. This can come from enhanced training. Greater monitoring of the activities of enumerators by election officials is necessary, as are corrective measures where the local practices of enumerators disregard the Bangladesh Election Commission's procedures and consequently undermine confidence in the election.

Similarly, the Bangladesh Election Commission should establish clearer directives on who can staff registration centers for the purpose of verifying identity and residency. The Bangladesh Election Commission should require field officers to report on prospective registrants turned away from the centers and their causes with as the same reliability as they track registration figures.

Overall, the preparation of the new voters list would benefit from more public information-sharing about the established procedures.

Findings Based on Representative Sample of Direct Observations

These findings are based on JANIPOP's study of the initial phases of voter registration conducted between June and October 2007. JANIPOP's observers spent more than 2000 man-hours in areas where enumeration and registration were ongoing performing direct observation of the processes and conducting interviews with voters, election officials, enumerators, community leaders, elected officials, local government officials, members of the armed forces assisting in the registration, civil society representatives, and other stakeholders. Observation teams were fielded in communities in five of six divisions based a pre-determined set of criteria assuring a representative look at the initial phase of the voter listing; teams operated in urban, rural, and isolated areas.

Compilation and analysis of these observations – including comparison to the stated goals of the Bangladesh Election Commission, the Electoral Ordinance of 2007, and other authoritative sources – was done by JANIPOP's leadership team on a rolling basis over the five-month study to continually improve the quality of the observation's methodology.

Ultimate Judgment Will Be Made by the Bangladeshi Voters

The purpose of JANIPOP's assessment of the initial phase of the preparation of a new voters list with photographs was to support the Bangladesh Election Commission's goal of conducting free and fair elections nationwide before the end of 2008 by providing constructive feedback on the ongoing process.

According to the Declaration of Principles for International Election Observation, the preparation of the voters list falls under the domain of election observers.

However, the ultimate arbiter of whether Bangladesh's upcoming city corporation, municipality, and parliamentary elections earn the coveted description of "free and fair" will not be a neutral domestic or international observation group, such as JANIPOP, nor will it be the Bangladesh Election Commission, Bangladesh's myriad political parties, any media outlet nor any embassy or international donor.

The ultimate decision whether Bangladesh's elections deserve acceptance will be made by the Bangladeshi people themselves.

VOTER REGISTRATION IN CONTEXT

Longstanding Controversy Over the Voters List

An accurate and complete voters list is one crucial cornerstone for a democratic and meaningful election process. In Bangladesh, the accuracy of the eligible voters list has been a key concern of political stakeholders in past elections. In fact, concerns regarding the accuracy of the voters list before the national parliamentary elections scheduled for January 22, 2007 were one of the primary reasons that some political parties decided to boycott the scheduled elections and initiate disruptive practices which ultimately contributed to the cancelling of the elections and the declaration of a state of emergency by President Iajuddin Ahmed on January 11, 2007.

The roots of the controversy extend to 2005, when the Bangladesh Election Commission proposed that the voters list for upcoming parliamentary elections be re-created on the basis of a "new enumeration," which it began in December 2005.

Only a few weeks into the process, one major political party filed a suit with the High Court challenging the legality of the enumeration process underway. The suit pointed out that the law stipulates that the national voters list will be “updated” prior to each election. On this basis, lawyers challenged the legality of undertaking a completely new enumeration, arguing that the list had to be updated based on the existing 2001 list. The High Court issued a stay on registration activities in January 2006, which the Bangladesh Election Commission appealed while at the same time continuing to compile its new voters list. In March 2006, the High Court issued a final ruling against the Bangladesh Election Commission. After another two months of legal wrangling, the Bangladesh Election Commission agreed to set aside the product of its work to that point and begin a new enumeration process, this time on the basis of the 2001 list.

The Scheduled Elections of January 2007

In June 2006, the Bangladesh Election Commission initiated a new enumeration. This time, using the 2001 list as a guide, enumerators visited voters’ homes, adding names to the list where they found residents that were not already listed. The deadline for completing this phase of the project was extended twice in response to evidence that a substantial number of households had not been included in the second enumeration. Finally, in October, the Bangladesh Election Commission presented an updated list containing 93 million names – 24 percent more names than appeared on the 2001 list and approximately two-thirds of the entire population.

Controversy regarding the accuracy of the voters list immediately erupted. The National Democratic Institute (NDI) conducted a statistical analysis of the voters list, and found the list to be overstated by an estimated 12.2 million names. NDI concluded, significantly, that the inflation was largely the result of “duplicate registration due to migration.” This is consistent with the notion

that procedural flaws, rather than deliberate manipulation, were the source of the problem. NDI's survey found that fewer than 2.5 percent of eligible voters were not included on the voters list. The problem of the voters list appeared to have been that voters who had moved or died had not been removed from the list. The process at the time made it more difficult to remove names from the list than to add them, so the inflation of the list is likely to have been the result of administrative procedures, rather than widespread intentional manipulation.

As weaknesses in the voters list were publicized and as political parties openly questioned the neutrality of the list and its preparation, the pre-election environment assumed hostile tones nationwide. In the face of an boycott by one major electoral coalition and out of fear of spreading political violence, the Caretaker Government under Chief Advisor (and President) Iajuddin Ahmed cancelled the election of January 22, 2007, just 12 days before it was to take place.

A New Election Commission and A New Job

Following the declaration of a State of Emergency on January 11, 2007, and the formation of a second sequential Caretaker Government, all three members of the Bangladesh Election Commission resigned and an entirely new panel was constituted.

One of the first major tasks of this new commission was to create a new, credible, and accurate voters list that would include the voters' photographs. As a byproduct of the preparation of a new voters list the Government of Bangladesh would issue a national identity card to registered voters. The important task of creating a new voters list will lay the groundwork for future credible, free, and fair elections, and will go a long way to re-instilling confidence in the election process. Given the contention surrounding the voters list before the scheduled January 2007

elections, the Bangladesh Elections Commission's emphasis on creating a new, accurate list is most welcome. Interestingly, however, the legal debate over a new enumeration versus creating a list based on the previous voters list all but disappeared from discussions (although the matter was formally resolved with the later promulgation of the Electoral Rolls Ordinance of 2007).

The Bangladesh Election Commission's decision to focus on a new voters list that includes photographs is a part of the commission's larger "Electoral Roadmap" that it released on July 15, 2007. The ambitious roadmap is geared towards holding national parliamentary elections before the end of 2008 and calls for a new national voters list to be created, electoral laws to be reformed, political parties to be registered under revised guidelines, and constituency boundaries to be redrawn.

The Bangladesh Election Commission began its work on creating a new voters list in earnest in June 2007, when it launched its pilot registration project in Sreepur Municipality. The commission also drafted a broad legal framework for creating a new voters list. This framework, the Electoral Rolls Ordinance of 2007, was promulgated by the President of Bangladesh in August 2007. The ordinance calls for the creation of a voters list with photographs, makes provisions for the public display of the voters list, and indicates that a voter can be registered no more than once and only in the electoral area where he or she resides. Beyond this law, the Bangladesh Election Commission has publicly issued no detailed procedures on how enumeration and registration is conducted.

The Process

The Bangladesh Election Commission's approach is to first raise awareness in an area where it plans to conduct voter registration, working with civil society organizations, including the Elections Working Group, the media, and community and

religious leaders. Enumerators then go from door to door in a specified area, filling out voter registration forms at the voters' homes, and issuing a receipt to voters that instruct them where and when to complete the registration process. The voter subsequently goes to a specified registration center to complete the process. At the registration center the voter finds his or her registration form from the enumeration and proceeds with the form to a registration desk where he or she is photographed and fingerprinted. The relevant personal information is entered into a computer database. An elected official or other community leader may be on site to verify the identity of the voter. The final step is the delivery by local government officials of a National Identity Card. The cards are based on the voter registration information.

A second parallel process has also been established allowing the enumeration activities, that is, the declaration of residency and completion of the data form, to be done at the registration centers on a walk-in basis.

The Road Ahead

After the Sreepur pilot project, the Bangladesh Election Commission began the national voters list preparation project Rajshahi in August 2007. Since that time, voter registration activities have increased around the country, with a major increase in activity seen in November 2007.

According to figures released by the Bangladesh Election Commission and widely reported in the press, the pace of registration is on or ahead of schedule in all areas. According to both the Bangladesh Election Commission and officials of the Caretaker Government, no impediments have emerged to holding neither the five necessary city corporation elections in the first part of 2008 nor the parliamentary elections before the end of 2008.

Several key processes critical to the successful completion of the new voters list with photographs remain ahead. These include the public display of the voters list in each electoral area (as required by the Electoral Rolls Ordinance of 2007) and the opportunity for the correction of errors by the registered voters. Meanwhile, the follow-up distribution of National Identity Cards is an ongoing process. Additionally, the Bangladesh Election Commission has announced that once the initial registration for an area is completed, registration equipment and a trained staff would remain behind to serve additional registrants. JANIPOP was unable to observe these important components of the preparation of the new voters list within the timeframe of this study.

ASSESSMENT METHODOLOGY

From June 10, 2007, to October 31, 2007, trained JANIPOP volunteers spent more than 2000 man-hours in the field conducting a direct assessment of the preparation of the voters list in a diverse cross-section of Bangladesh. Information was gathered not just in the four city corporations where registration activities were conducted during the period of this study (Rajshahi, Khulna, Barisal, and Sylhet) but also in smaller municipalities and rural areas, including highly isolated communities such as the island community of Tahipur in Sylhet Division. Observations began coincident with the Bangladesh Election Commission's launching of the pilot registration project in Sreepur Municipality but ended shortly before registration activities began in Chittagong City Corporation and Dhaka City Corporation.

The purpose of JANIPOP's assessment of the initial phase of the preparation of a new voters list with photographs was to support the Bangladesh Election Commission's goal of conducting free and fair elections nationwide before the end of 2008 by providing

constructive feedback on the ongoing process.

According to international standards, JANIPOP's observations were not limited to the actions of election officials but encompassed the totality of the entire electoral scenario including the public's understanding of the process, the registration environment, and the actions of third parties which might disrupt the Bangladesh Election Commission's work.

Definitive Sources Complement Direct Observation

To direct the design of JANIPOP's field assessment and to complement observational findings of JANIPOP's field work, a number of authoritative sources were consulted. These include the legal framework outlined in the new Electoral Rolls Ordinance of 2007 and the Representation of Peoples Ordinance of 1972 (as amended and also the current proposed amendments composed by the Bangladesh Election Commission). The Bangladesh Election Commission's training materials provide the most detailed information about procedures. Public information materials associated with the official election efforts, such as the voter outreach materials prepared by the Elections Working Group and the Bangladesh Election Commission's own "Frequently Asked Questions" as posted on their website give a snapshot of the information available for the registrants. Newspaper accounts of the registration processes for the preparation of a voters list with photographs and the issuing of National Identity Cards also proved invaluable, especially as they documented the public statements of the three Election Commissioners and the Chief Advisor and also comments from other stakeholders, such as political parties.

These materials were consulted to inform JANIPOP's assessment, both beforehand in the design of the study and on an ongoing basis to inform the analysis of findings from the field done by JANIPOP's Divisional Coordinators and Chairman. As the

baseline set by the Government of Bangladesh, they also provide the criteria to measure if the process was going according to design or deviating from it.

Field Work Follows Set Structure

JANIPOP volunteers worked in two-person teams to conduct an assessment of voter registration on a mobile basis. The teams visited residential areas to observe enumeration, visited registration centers, and assessed the atmosphere in the community at large. JANIPOP conducted structured and non-structured interviews with diverse stakeholders, such as election officials, local government officials, voters, members of the armed forces, and community leaders. Additionally, photographs were taken to document points of interest. JANIPOP also collected official information, such as the expected and actual number of registrants at a registration center on a given day. Direct observation of the process was also done to document the overall flow of registrants through the center, any barriers to registration in the community, the amount and quality of information available to the public, and the thoroughness of the enumeration process.

JANIPOP volunteers, long-time JANIPOP associates and new volunteers alike, attended professional training sessions jointly conducted by JANIPOP's leadership and the International Republican Institute with the support of the United States Agency for International Development. The purpose of these trainings was to strengthen the professional skills of JANIPOP's team members and impart to them international standards for election observation including a code of conduct and professional ethics emphasizing the core value of impartiality.

JANIPOP sought to assess the process for preparing a new voters list focusing on, but not limited to, the following questions:

How successful is the enumeration effort at identifying and locating eligible voters?

- To what extent are enumerators visiting houses in the community in a systematic way?
- How able are the enumerators to capture voter information accurately, completely, and reliably at the homes visited?
- Are the enumerators informing eligible voters how to complete the registration process at the registration centers?

Do all eligible voters have an equal opportunity to register?

- Are registrants free from intimidation or harassment (such as that from political parties and elected officials)?
- Are women made to feel comfortable and secure in the registration process?
- Do the underclasses (illiterates, slumdweller) receive treatment equal to others?
- Do geographically isolated communities receive treatment equal to population centers?
- Do all religious and ethnic groups receive treatment equal to the others?

How successful and efficient is the registration process?

- Are all eligible voters completing the registration process?
- Are registrants processed efficiently and accurately during the entire process?
- Is there independent and appropriate oversight of the process?
- Is there any manipulation of the enumeration or registration process?

Does the public perceive the preparation of the voters list with confidence?

- Are eligible voters receiving adequate information through public information campaigns?
- Do voters feel confident that the new registration strengthens their franchise?

- What is the overall response in the community to the registration process?

JANIPOP field teams documented their observations on reporting forms which were compiled at the national level by JANIPOP's headquarters staff. Additionally, qualitative information and points of further interest were elicited from JANIPOP's observers through regular information-sharing dialogues with each of the six Divisional Coordinators and reported at regular meetings of the Divisional Coordinators and JANIPOP's Chairman and staff.

This information provides the basis of this report. Consistent with the purpose of this study, these findings will be shared with the Bangladesh Election Commission and other stakeholders for the purpose of improving the process and increasing the likelihood that Bangladesh's estimated ninety million voters will be able to cast their ballots in free and fair elections for local and parliamentary offices next year according to the Bangladesh Election Commission's Electoral Roadmap.

Additionally, JANIPOP teams have shared information with local election officials on a rolling basis during these five months. JANIPOP is pleased to see how cooperative local election officials have been to the process, even to the point of sometimes soliciting JANIPOP's input. We are pleased to see local officials already acting to strengthen practices based on JANIPOP's findings, including greater vigilance against out-of-area ineligible registrants.

Difficulties of the Observation

JANIPOP had originally planned a full-scale project for observing the preparation of the voters list in 89 distinct areas around Bangladesh for the entire duration of the registration effort. JANIPOP formally requested approval from the NGO

Affairs Bureau to accept foreign funding for this project on July 28, 2007. On August 12, 2007 the NGO Affairs Bureau formally requested feedback on JANIPOP's request from the Bangladesh Election Commission. In October, the Bangladesh Election Commission advised against approving the large project, stating that the commission has no policies for observation of voter registration.

All field activities were conducted by JANIPOP on a volunteer basis pending the approval of the Government of Bangladesh for JANIPOP to receive funding for this project. When that permission was not granted, all field work ceased. Consequently, several key aspects of the preparation of the voters list fall after the scope of this study of the initial period of voter registration.

JANIPOP did not witness the verification of the voters list through public display as specified in the Electoral Rolls Ordinance of 2007, or the correction process, as these components of the process fall outside of the timeframe of this assessment.

The distribution of National Identity Cards – such an important part of the process of for voters – went largely unobserved as this lagged behind the general registration and followed no set schedule.

Some information, such as election official training materials, were unavailable to JANIPOP until the very end of the study. Overall, the lack of public information about the formal procedures, such as defined hours of operation for the registration center and detailed information about allowable enumeration procedures, made it difficult to assess whether the Bangladesh Election Commission's procedures were indeed being followed.

These areas remain for others to document directly and indirectly.

KEY FINDINGS

JANIPOP offers the following key findings to the Bangladesh Election Commission with the intention of strengthening the voter registration process and for creating a credible final voters list.

Voter Registration is Proceeding Well

Throughout this volunteer assessment, JANIPOP observed that stakeholders involved in the voter registration process, the voters, Election Commission officials, members of the armed forces, local government officials, and civil society members, were enthusiastic and proud to be part of the new voter registration process. Voters were particularly excited about receiving a National Identity Card, which was for many the first time that they had received any official identity document with a photograph. JANIPOP witnessed no disturbances at any voter registration center.

The Bangladesh Election Commission is making good faith efforts to register all eligible voters by making provisions to keep registration centers open longer than planned, by taking mobile registration teams to the homes of disabled and elderly voters, and registering disenfranchised populations, including prisoners.

While there had been some concern that women would feel intimidated by the voter registration process, or be reluctant to be photographed, JANIPOP saw no evidence that women are disenfranchised in the new voter registration process. The Bangladesh Election Commission made efforts to ensure the participation of women by reaching out to the religious community to encourage women to come to registration centers to complete the registration process.

JANIPOP's overall positive assessment of the preparation of the voters list was supported by a survey conducted by the Election Working Group (EWG) in September 2007 after voter registration in Rajshahi. According to the study, almost all respondents were registered satisfactorily.

The National Identity Card is an Important Part of the Process for Voters

Voters are very enthusiastic about receiving a National Identity Card as part of the preparation of the voters list. For many voters this is the first piece of personal identification with a photograph that they have ever carried. One voter in Khulna City Corporation captured the mood, stating: "I am happy and feel proud of having got such an ID card. Prior to getting the card I was bearing no identity. Now I have my own identity, and I feel proud of it."

However, the majority of voters that JANINPOP talked to expressed confusion about when and how the National Identity Cards would be issued to them. Voters repeatedly suggested that if the process and timeline for the distribution of National Identity Cards were clarified, the voters would have increased confidence that they would receive their cards. While JANIPOP found confusion regarding the national identity cards to be common in all areas where JANINPOP worked, the finding was again supported by the EWG study, which found significant confusion among voters regarding both the procedure for issuing cards and their uses.

However, many voters also expressed significant confusion over the purpose of the National Identity Cards. Many voters believed that the card being issued to them would be necessary for voting on Election Day. One voter even suggested that the use of National Identity Cards on Election Day would greatly improve the credibility of the election. However, misspellings of names

and poor quality photographs have soured the experience for many with the path for correcting errors still unclear despite the high-profile nature of this aspect of the voter listing. The early emergence of fraudulent National Identity Cards also poses an ominous portent as to the security of upcoming elections.

While voters remain very enthusiastic about the National Identity Cards, JANIPOP is concerned that without clear guidelines about issuance procedures and clear information on the use of the cards, persons may find ways to manipulate the distribution of cards, or spread disinformation about over whether the cards are required to vote on Election Day.

JANIPOP has noted considerable inconsistency in the national and publicized debate regarding the National Identity Cards, with both the Home Ministry and the Bangladesh Election Commission making commentary regarding the cards. However, the Bangladesh Election Commission should work to remind voters of the cards' legal status and purpose upon registration and issuance. JANIPOP has observed no effective communication regarding the use of the cards at a field level, nor has the Bangladesh Election Commission included information regarding the uses of the identity cards on its Frequently Asked Questions that it recently posted on its website.

Enumeration Procedures Lack Consistency

JANIPOP saw many qualified and well-trained enumerators working diligently in the communities to identify voters at their respective residences. Enumerators generally filled out registration forms at the homes of the voters and provided information to voters on how to complete the registration process.

However, enumerators did not always follow consistent enumeration procedures. JANIPOP witnessed a variety of

different enumeration methods:

1. Enumerators were observed going door-to-door to fill out enumeration forms at the voters' residences, taking completed forms with them and issuing a receipt asking the voter to come to a registration center at a specified time.
2. Enumerators have left forms at voters' homes with instructions for the voter to complete the form and wait for the enumerator to return for pick-up. The enumerator would then return and complete the process according to the practice above.
3. Enumerators have left forms at voters' homes with instructions for the voter to complete the form and then return completed forms to the enumerator's home.
4. Enumerators have been observed setting up "enumeration camps" in slum areas. Voters would be instructed to come to the enumerators to complete the forms.
5. Voters have also been instructed to come to registration centers to fill out the enumeration forms there, rather than at their homes or in their direct neighborhoods.
6. Voters who have missed the enumeration and voter registration period are instructed to go to the local election officials. However, local election officials have no equipment to register voters, nor do they have any information on when voters left out of the first round of registration will be processed.

Correct enumeration is the first check on verifying the identity of a voter, and establishing his or her proper residence. The lack

of consistency in enumeration procedures is troubling because a voter or other interested party can find ways to exploit the registration process. A voter from another ward can register in a specific area if his residence in a specific ward is not verified by an enumerator. Multiple voter registration is more likely if enumeration forms do not remain under the direct control of the enumerators or election officials.

JANIPOP has received reports from local elected officials in three different city corporations who allege that rival candidates are encouraging supporters to register in specific wards in order to bolster the candidates' chances in the upcoming local elections. These allegations highlight the vulnerability of the enumeration and registration system. Particularly "floating people" who live in slums or other non-permanent residences are at risk. In Barisal City Corporation, JANIPOP observed a ward commissioner encouraging voters to register in a ward in which they do not live. JANIPOP observers reported this activity to the local election officer, and the military officials at the registration center. The officials intervened to stop the voters from registering outside their wards, but did not punish the ward commissioner.

From the Bangladesh Election Commission's published Frequently Asked Questions, JANIPOP noted that the commission has informed voters to seek out local election officials if enumeration and registration has ended in their area. However, local election officials have neither the equipment nor the information to register voters after the initial registration and enumeration drive has ended. While the Bangladesh Election Commission has the responsibility to keep registration activities open, as per its own instructions to voters, JANIPOP found no evidence that registration was ongoing in Rajshahi or Khulna City Corporations after the registration and enumeration process had finished there. JANIPOP observers have seen many voters

go to local election officials to be registered after the initial phase of registration, only to be turned away by the election officials with no information.

Difficulty in Verifying Voters' Identities

While the first step in verifying a voters' identity occurs during the enumeration process, the second (and equally important) check occurs at the time at which the voter's details are entered into the computer database and his or her photograph is taken and fingerprint is scanned at the registration centers. Here, JANIPOP volunteers noted that the identity of voters may be verified by a range of people including local elected officials, past candidates for elected office and community leaders. The verification system assumes that local leaders can verify the identity of all voters in their respective wards.

While JANIPOP volunteers found the "in-person" verification method to have generally been carried out with a high degree of diligence at registration centers, the presumption that local leaders can know the identity of all residents of specific wards is unlikely, especially in large urban areas, where a large number of migrant or "floating" people may seek to be registered.

The weakness of the initial checks on voter identity (during enumeration and at the registration site) is highlighted by media reports that persons who have registered twice were identified after passing through the enumeration and voter verification process. *Jugantor* reported on October 28, 2007 that 31 people had registered twice in Rajshahi City Corporation. Similarly, *Samakal* reported on November 12, 2007 that 17 non-Bangladeshis registered in the Banderban. While credit should be given to the Bangladesh Election Commission for identifying the errors after the registration procedure was completed, the fact that both the first and second identity check were passed before the errors were caught supports JANIPOP's observations

that enumeration and registration checks are weak enough to be subject to exploitation.

The Role of the Bangladesh Military in the Preparation of the Voters List

JANIPOP observers are of the opinion that the military played a pivotal role in implementing the voter registration project. Starting from the Sreepur pilot project till now, the military is visible in all registration centers. Military presence acts as a deterrent and keeps trouble-makers at bay. The military is also helping the government to produce the National Identity Card. It has trained the data entry operators and worked almost on a twenty four hour basis. Without military involvement it would have been quite impossible for the Bangladesh Election Commission to carry out such an enormous task within the period of time allotted in the Election Roadmap.

Reluctance of Political Party Activists to Register

JANIPOP found that some political activists are reluctant to register to vote for fear of arrest. The military presence at the registration centers has discouraged some political activists from completing the registration process. JANIPOP confirmed that in Tahipur Upazila political activists refused to enter registration centers after having been enumerated at home, even after local government officials made an effort to bring them to the center. In Khulna City Corporation, JANIPOP volunteers also received reports that political activists were refraining from voter registration.

JANIPOP is concerned that general public fear of authority may cause individuals to choose not to register to vote. Political activists may now feel especially at risk. JANIPOP is concerned that if political activists are not registered, political parties may be able to discredit the voters list at a later date, claiming that their supporters have been excluded.

Voters' Confusion over Present versus Temporary Address

JANIPOP noted that a significant number of voters are reluctant to complete the registration process after enumeration, because they are not permanent residents of the community where they were enumerated. Their reluctance to register is due to their reluctance to have their National Identity Cards reflect a temporary address, rather than a permanent address.

RECOMMENDATIONS

In accordance with internationally recognized best practices, JANIPOP offers the following recommendations to the Bangladesh Election Commission with the intention of strengthening the preparation of the voters list.

Issue Clearer Registration Protocols

For the voters' benefit, the Bangladesh Election Commission should clarify the complete registration process, starting with enumeration and ending with voting. A protocol, clearly stating the process of enumeration, registration, and issuance of National Identity Cards, including the exact purpose of the card should be spelled out. With its partners, the Bangladesh Election Commission should also begin to educate voters on the verification process for the voters list, and what to expect on Election Day once the new list is in place.

Further, the Bangladesh Election Commission and the Home Ministry urgently need to inform voters and the public at large regarding the legal status of the National Identity Cards currently being issued as part of registration process, including what fees citizens may face if they need to convert their cards. Overall, the preparation of the voters list would benefit from more public information sharing about the established procedures.

Enumerators Should Directly Share Guidelines with Voters

In order to share the maximum amount of information with voters on the registration process, enumerators should hand out information sheets to voters on their door-to-door visits. These sheets could clearly spell out the registration procedure, the process for issuing ID cards, the use of ID cards, and other frequently asked questions. Issuing clear guidelines directly to the voter upon enumeration could greatly reduce confusion. This information sheet could resemble, but should be more detailed than the information guidelines recently posted on the Election Commission's website. Enumerators could be instructed to read key points directly to illiterate voters.

Enumerators need to have the importance of following established procedures more concretely ingrained in them. This can come from enhanced training. Greater monitoring of the activities of enumerators by election officials is in order, as would be stronger guidance for enumerators who disregard the Bangladesh Election Commission's procedures and consequently undermine confidence in the election. Similarly, the Bangladesh Election Commission should establish clearer directives on who can staff registration centers for the purpose of verifying identity and residency.

Issue a Clearer Definition of an "Electoral Area"

For local elections, the particular ward in which a voter is registered is very important. The current electoral law on voter registration specifies that a voter should register in the electoral area in which he or she resides, but does not clearly define that electoral area. In order to reduce confusion and possible manipulation in the upcoming local elections, the Bangladesh Election Commission should clarify that each voter should be registered to vote in the ward in which he or she resides.

Better Information Communication and Tighter Administrative Procedures

As noted in the report, the Bangladesh Election Commission is conducting the preparation of a new voters list in a confidence inspiring fashion. However, JANIPOP urges the commission to publish clearer procedural guidelines. These guidelines should be shared with all electoral stakeholders – especially the voters – in order to insure that there is no confusion about the process. JANIPOP believes that the more information the Bangladesh Election Commission issues at the front end of the process, the fewer opportunities will be open to parties to question the process after the election.

Ensure Nationwide Comparison of Voters' Fingerprints

To ensure maximum accuracy of the voters list the Bangladesh Election Commission should ensure that the fingerprints of voters are compared on a nationwide level. Electronic comparison of the fingerprints of registered voters should allow the Bangladesh Election Commission to catch voters who attempt to register more than one time. However, the Bangladesh Election Commission should ensure that fingerprints are compared nationwide, and not only for data gathered within a single upazila, municipality, city corporation, or district.

JANIPOP, however, emphasizes that the fingerprint comparison is no substitute for stringent and consistent registration and enumeration procedures. The Bangladesh Election Commission should continue to emphasize verifying each voter's identity at registration centers and maintaining control of the enumeration forms as a method for allowing only eligible voters to register in the first place.

Public Display of the Voters List

The Electoral Rolls Ordinance of 2007 states that the voters list shall be displayed for public review and that voters shall

have shall have the opportunity to request corrections to the list. Given the special nature of the list currently being compiled by the Bangladesh Election Commission, the commission should ensure that the public display of the list occurs as quickly as possible and well before elections. JANIPOP recommends that the list be displayed immediately after the registration drive in a particular locality, and again immediately before an election.

The public display of the list is the only method available to voters to verify the voters list. While the National Identity Cards may hold the same personal information as the voters list, the issues regarding the accuracy of the National Identity Cards are the responsibility of the Home Ministry.

Conduct a Statistical Analysis of the Voters List

JANIPOP encourages the Bangladesh Election Commission to conduct an independent statistical assessment of the voters list. This study should gauge the overall accuracy of the list currently being compiled by the commission, and could be similar to the survey conducted by NDI before the scheduled January 2007 parliamentary elections.

Develop New and Innovative Communication Techniques

Under the current voter registration process, the Bangladesh Election Commission is using more sophisticated technology than in the past. Inline with this development, JANIPOP encourages the Bangladesh Election Commission to also develop innovative and direct communication with voters. For example, the commission could establish a 24-hour telephone hotline in every district where voters can find the latest news on voter registration, work with telephone companies (who have already shown their good will by donating equipment) to send information to voters via text message, or put feedback or complaint boxes at the registration centers.

LOOKING AHEAD

Refinements Should Be Transparent and Consistent

JANIPOP's study of the initial period of the preparation of a wholly new voters list in Bangladesh began with the first pilot project in Sreepur and ended just prior to the launching of full-scale national operations including the preparation of a voters list with photographs in the two largest population centers, Dhaka and Chittagong.

It is encouraging to see that the Bangladesh Election Commission has refined its procedures throughout the initial period of voter registration, from the Sreepur pilot project to the launching of registration in the capital.

Local election officials have also been proactive in independently developing new procedures to maximize registration but at the expense of certainty.

Although we encourage all election officials to continue to improve the process, it is vital that the Bangladesh Election Commission lead this effort in a transparent and consistent manner.

Otherwise, although the preparation of the voters list may proceed with real enthusiasm, the slow but accelerating accumulation of irregularities threatens the conduct of truly democratic elections.

Important Work Remains

Many aspects important to the registration process, and consequently to the success or failure of the upcoming city corporation, municipality, and parliamentary elections, fall outside the timeframe of this study.

These include the distribution of National Identity Cards (including possible conflicts of interests between the Bangladesh Election Commission and the Home Ministry), the error correction procedure for both the voters list and the National Identity Cards, the public posting of the voters list with photographs, the continuing registration in the local election office after the completion of the primary registration effort, and the appeals process for those denied registration.

With registration activities scheduled to continue for another ten months, there is ample opportunity for these elements of registration to be documented by other domestic and international election observation missions.

An Open Letter to Future Election Observers

The value of transparency and the benefits of independent electoral observation are not always obvious, but they are real. When election authorities do not appreciate this fact, it is incumbent upon the entire electoral professional community to demonstrate this for the benefit of government authorities through their performance while remaining consistent in word and deed.

According to the Declaration of Principles for International Election Observation and the Code of Conduct for International Election Observers, international observers should comment on the level of access and freedom to operate given to domestic election observation groups. JANIPOP hopes details in this report's methodology inform future international observers.

The Bangladesh Election Commission has taken a very encouraging step by including guarantees of full access to polling locations for accredited domestic observers in their draft electoral reforms. International observers should note whether or not the Bangladesh Election Commission remains true to

its announced intentions or whether they are swayed in their dialogue with political parties to block this important step for a transparent election.

The same Declaration of Principles for International Election Observation and the Code of Conduct for International Election Observers requires that host countries grant access to all aspects of the election including an examination of the voters list and that international observers specifically note the fairness and accuracy of the preparation of the voters list. Given the controversy caused by a lack of confidence in past voters list – even contributing to the cancellation of elections – JANIPOP is confident that international observers will take the current registration process under consideration. We hope details in this report’s methodology inform future international observers, but we also note that voters list preparation will still be ongoing in many areas of Bangladesh when the anticipated city corporation elections are held next Spring. JANIPOP hopes long-term international observers will make the effort to observe the ongoing voter registration procedure for themselves.

In order for any international observation mission to be possible, let alone successful, the Government of Bangladesh must set dates for the upcoming city corporation and parliamentary elections sufficiently in advance to allow for the planning, coordination, and execution of long-term and short-term observations.

JANIPOP never considered assessing the registration (and subsequent voting) of Bangladeshis abroad. Given the large populations of Bangladeshi expatriates in several countries, it is important to verify that Bangladeshis of all classes are afforded an equal right to vote.

The current state of emergency and its ban of outdoor political activity and indoor political activity (with certain exceptions

within Dhaka City Corporation) limited the amount of political party activity during initial period of voter registration. However, the activity of the political parties is unlikely to be similarly contained in during the pre-election period. JANIPOP was unable to reliably document much overt activity by political actors. Future observers should incorporate a greater degree of political party and candidate monitoring into their workplans.

Election Day in 2008 promises to generate excitement, but also confusion. Future election observers should pay close attention to how well organized national and local election officials are for the day of the election, including their ability to educate registered voters of new procedures at the polls. The new voters list with photographs – and also the issuing of National Identity Cards – is a major step forward for Bangladesh, but it is a step into new territory. Certain third parties will retain a vested interest in vote-buying, intimidating voters, and other disruptive activities regardless of whatever new campaign laws are ultimately adopted and how strictly they are enforced. Doubtlessly, the Government of Bangladesh will prioritize the security of international election observers; similar measures should be in place to protect the safety and rights of domestic election observers, the voters, the media, and all other parties with a legitimate interest in being in and around polling locations on Election Day.

The actual conduct of Election Day will be a strong indicator of how well Bangladesh's many electoral and political reforms for this new era of its democracy have served its people.

Finally, many comments from government officials, from political parties, and from anonymous commentators through the press have questioned the impartiality of past domestic election observations. It is unfortunate that there is some basis in fact for some allegations. The accreditation of domestic observers should

consider the ability of the sponsoring organization to perform its responsibilities, and established observation organizations should be given priority for accreditation before – but not necessarily to the exclusion of – newly formed organizations or organizations with not prior demonstrated capacity for election observation. International observers should consider whether individual domestic election monitoring groups are performing their duties with impartiality (or have or have not in the past) and whether or not the Bangladesh Election Commission has acted appropriately in accrediting or denying accreditation to each group which has requested it. JANIPOP welcomes such scrutiny.

Ultimate Judgment Will be Made by the Bangladeshi Voters

The purpose of JANIPOP’s assessment of the initial phase of the preparation of a new voters list with photographs was to support the Bangladesh Election Commission’s goal of conducting free and fair elections nationwide before the end of 2008 by providing constructive feedback on the ongoing process.

However, the ultimate arbiter of whether Bangladesh’s upcoming city corporation, municipality, and parliamentary elections earn the coveted description of “free and fair” will not be a neutral domestic or international observation group, such as JANIPOP, nor will it be the Bangladesh Election Commission, Bangladesh’s myriad political parties, any media outlet nor any embassy or international donor.

The ultimate decision whether Bangladesh’s upcoming elections deserve acceptance will be made by the Bangladeshi people themselves.

F. Code of Conduct for Political Parties and Candidates

**Election Commission Secretariat
Shere Bangla Nagar, Dhaka
Press release**

Date.....

SRO No.....law/2007. People's representative Ordinance, 2007, (Ordinance no ... of 2007) code of conduct formulated by the election commission under the power of section 113 of the constitution.

1. Title & introduction:

(1) This code of conduct will be entitled and known as the 'electoral code of conduct 2007' of the political parties and contesting candidates.

(2) This law will be effective immediately.

2. Definition:

If nothing contradicts the context of the law, in this code of conduct, -

(A) Pre-election period means –

(i) In case of general election, it will mean up to the date of the gazette notification of the next poll result after the previous parliament is vacant or expired.

(ii) In case of by-election, it will mean up to the date of the gazette notification of the poll result of the election after the constituency is vacant.

(B) "Candidate" means the nominated person of a registered political party for contesting in a particular constituency, or an independent contesting individual.

(C) “Registered political party” will mean the political party registered with the Election Commission under section 98 of the ‘People’s representative ordinance, 2007.’

(D) “Appropriate Authority” will mean the district magistrate concerned or any other officer empowered by him, and in case of metropolitan area the police commissioner concerned.

3. Donation, subscription to any organization is banned:

No contesting candidate can give any donation or subscription to any organization of his/her constituency or out of it publicly or secretly, or cannot make any commitment to do so nor can promise to undertake any developing program in the constituency concerned, given that:

- (a) There will be no restriction to submit or publish the national and local development plan undertaken by any registered political party;
- (b) An independent candidate will have no restriction to propose local development plan in his/her constituency.

4. Use of Bungalow, rest house:

Government Bungalow, rest house, circuit house will be equally allocated to all the parties and candidates according to the existing law based on the serial of the application received. However, officers engaged in electoral job will be given preference in case of using bungalow, rest house, and circuit house.

5. Electoral campaign:

(1) All the registered parties and candidates will enjoy equal right in case of electoral campaign. Meeting, rally, publicity of an opponent candidate must not be hindered or destroyed.

(2) For arranging meetings, rallies etc. registered political parties must take prior written permission from the appropriate

authority mentioning the place, time, and event; this permission, however, will be given according to the serial of the application received from the parties.

(3) Registered political parties or candidate interested in holding meeting, rallies etc. should inform the time and place of their event to the police concerned prior to the event so that the police department could take necessary measures to uphold law and order situation.

(4) No registered parties or candidate or any other person in favor of them can hold meeting or arrange rallies on road creating hindrance to public's easy movement.

(5) For taking actions against the people responsible for creating hindrance in any meeting or rallies, organizers of such meetings or rallies should take shelter to the police. Under no circumstances, they can take actions themselves.

(6) After the declaration of poll schedule in a constituency, no political parties or candidates or any other person in favor of them in the constituency concerned can use government equipments for electoral campaign, nor can use any government official or government vehicle or any other state facilities.

(7) Posters, handbills, leaflet of one candidate should not be attached onto the posters, handbills, leaflet of another candidate.

(8) No candidate or any other person in favor of him/her can attach posters, handbills, leaflet in the following places and vehicles:

- (a) Onto any buildings, structures or walls of the entire city corporation;
- (b) Onto any buildings, structures or walls of the entire

municipality;

- (c) Onto the government or local government's building;
- (d) Onto Bus, truck, train, steamer or any other vehicle, given that there will be no restriction to attach posters, handbills, and leaflets in any other place other than buildings, vehicles, and architectural structure.

(9) No candidate can set up more than one electoral camp in the same union or ward, in case of municipal area. Electoral camp cannot be set up on roads or in a venue meant for public, creating hindrance to their movement. Electoral camps will be as much as simple. No food, drink, or any other gifts can be served or offered in an electoral camp.

(10) No government bungalow, rest house, circuit house, or any other public offices can be used as a camp of any political parties or candidates.

(11) Posters meant for publicity must be in black and white format and its size can no way exceed 23”X18”. No contesting candidate can attach photograph of any other person other than that of himself/herself on the poster, given that

If the candidate is from a registered political party, he/she can attach the photograph of the present chief of the party, given that –

Photograph attached on the poster should be a portrait, which can no way be in a position of speaking in a meeting or gathering, leading a rally or in a position of prayer.

(12) Portrait used on the posters can no way be larger than that of 23”X18”.

(13) Ballot symbol of any contesting candidate should no way

be larger than 3 meters in length, width, and height.

(14) Contesting candidates shall not use more than three mikes in a constituency for electoral campaign at a time, and that the use of the mikes should be limited from 2 pm to 8 pm.

(15) No land, buildings, or any other movable or immovable properties of any citizen shall be damaged, or that peace should not be hampered of any citizen by creating chaos or disorderliness actions.

(16) No registered political parties or candidates, or any other person in favor of them can write on wall as a part of their electoral campaign.

(17) No political parties, or candidate or any other person in favor of them can use banners, caps, shirt, T-shirt, jacket, Fatua made up of fabrics meant for electoral campaign.

(18) Registered political parties or candidate or any other person in favor of them shall not build any gate as a part of their electoral campaign, nor can create any hindrance on the way to and from public's movement.

(19) No registered parties, candidates or any other person in favor of them can occupy more than 400 square feet for the construction of their stage or pandal for electoral campaign.

(20) No registered parties, candidates or any other person in favor of them can use electric lights or decoration as a part of their electoral campaign.

(21) For ensuring congenial environment around the poll center, uses of motorbike or any other vehicle, and carrying firearms or any other arms within the boundary of the poll center shall

be prohibited. No government official shall illegally interfere or hamper the poll process.

(22) No rallies shall be carried out in favor of any contesting candidate on bus, truck, steamer, train or any other vehicle, nor can bring out flare procession or rallies as a part of their poll campaign.

(23) No contesting candidate or parties or any other entity in favor of them can use helicopter or any other flying vehicles in their poll campaign. For the transportation of the party chief, however, a helicopter can be used, given that –

Any banner, leaflet, or any other electoral campaign material shall not be carried or distributed from it.

(24) All the political parties and candidates shall co-operate the electoral officials deployed in a given constituency for ensuring the voters to cast their vote freely without facing any hindrance or obstacle.

(25) No political parties or candidate or any other person nominated by them shall give any address attacking the personal life of an opponent, nor can give any such provocative address that hurts one's gender, community, and religious faith.

(26) No contesting candidate can no way exceed the upper limit of the poll expenditure.

(27) No political parties, or candidate or any other entity in favor of them can launch a poll campaign prior to the three-week time of the poll date announced by the commission.

(28) No political parties, or candidate or any other entity in favor of them shall undertake any electoral campaign program

or publicity in a mosque, temple, and church.

(29) No political parties or candidates shall involve any child in their poll campaign.

Note: In this sub section, 'child' means someone below 16 years of age.

(30) In case of a by-election, after the given constituency is vacant, no minister, state minister, of deputy minister or any other person holding equivalent post and enjoying equivalent benefits shall not visit the given constituency prior to the election, given that if that person is a voter of the constituency concerned, he or she can go for casting his/her vote.

6. Keeping the election beyond influence:

Election shall not be influenced by and with money, arms, muscle, or any other means.

7. Right to enter poll center:

Entrance to the poll center is solely permitted for the electoral officials, contesting candidate, poll agent, and voters. Activists of any political party or of a contesting candidate shall not roam around inside the poll center. Only the polling agents will discharge their duties keeping themselves seated at the fixed place allocated for them.

8. Pre-electoral irregularities:

(1) Violation of any of this code of conduct shall be regarded as the 'pre-electoral irregularities,' and any registered political party or candidate hampered by this shall be permitted to appeal to seek redress to the Electoral Investigation Committee or to the Election Commission.

(2) Application received under sub-section (1) shall be sent to the Election Investigation Committee by the commission for

investigation if the commission is convinced considering the factuality of the matter.

(3) Under sub-section (1) and (2) the Electoral Inquiry Committee shall send recommendation and suggestion to the Election commission after investigation carried out under section 104 of the people's representative ordinance, 2007.

With the authorization of the EC

(Muhammad Humayan Kabir)
Secretary



The International Republican Institute
1225 Eye Street, NW, Suite 700
Washington, DC 20005

(202) 408-9450 phone
(202) 408-9462 fax

www.iri.org