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IFES Bangladesh: Parliamentary Campaign Finance Expenses and Monitoring

Candidate Spending and Contribution Limits

In Bangladesh, election expenses refer to any expenditure incurred or payment made, whether by way of gift, loan, advance, deposit or otherwise, for the arrangement, conduct of, benefit of, or in connection with, or incidental to, the election of a candidate, including the expenditure on account of issuing circulars or publications or otherwise presenting the candidate or his views, aims or objects to voters, but does not include deposits.¹

Election expense limits are set in relation to the number of voters in each constituency at BDT 10 (USD 0.12) per voter. However, there is an overall maximum amount for all constituencies regardless of the number of voters. For the December 30, 2018, parliamentary elections, each candidate is allowed to spend up to BDT 2,500,000 (approximately USD 30,000) as long as they do not exceed BDT 10 per voter.²

The Bangladesh Election Commission (BEC) has prescribed limits on what candidates may expend funds on, e.g., the use of colored posters, cloth banners, or the hiring of vehicles for processions or transporting voters.³

However, there is no contribution limit in relation to election candidates apart from political parties (see section below). This means that one individual or legal entity could legally contribute the entire amount a candidate is allowed to spend. The absence of regulations on candidate income also means the ban on income from foreign sources that relates to political parties (Representation of the People Order (RPO) 90F (2)) does not apply to candidates. There is, however, an indirect ban on anonymous donations to candidates, as candidates must report all donations received, including the name of the donor.⁴

Disclosure Requirements for Candidates

For parliamentary elections, every candidate is required to submit details on the source of funds for election expenses (Form-20) and a statement of assets and liabilities, annual earnings and expenditures (Form-21), and a copy of their income tax return, if the candidate is an income tax payer, along with the nomination papers to the returning officer (RO).⁵ A copy of Form-20 and Form-21 must be sent to the BEC by registered mail at the time of their submission to the RO.⁶

Every candidate or their election agent is also required to submit a return of election expenses (Form-22) to the RO within 30 days from the date of publishing the returned candidate's name in the official gazette.⁷ A copy of the return must be sent to the BEC by registered post⁸ If a candidate fails to submit the return, he or she will face two to seven years imprisonment and a fine.⁹

- 1 Representation of the People Order (RPO), 1972.
- 2 Clause (3) of Article 44B, RPO.
- 3 Clause (3A) of Article 44B, RPO.
- 4 Clause (1E) of Article 44C, RPO.
- 5 Clauses (1) and (2) of Article 44AA, RPO.
- 6 Clause (3) of Article 44AA, RPO.
- 7 Clause (1) of Article 44C, RPO.
- 8 Clause (3) of Article 44C, RPO.
- 9 Article 74, RPO.

Political Party Campaign Spending and Contribution Limits

In clause (3) of Article 44CC of the RPO, 1972, the spending limits for political parties in parliamentary elections are as follows:

Table 1: Spending Limits per Political Party

Number of candidates from a party	Spending limits (in BDT)	Spending limits (in USD)
Over 200	45 million	538,020
101-200	30 million	358,680
51-100	15 million	179,340
0-49	7.5 million	89,670

(Note: USD 1 = BDT 83.6 on December 21, 2018. The spending limits were revised in 2009, effective August 19, 2008.)

In addition to the campaign expenditure limits for political parties, no political party may contribute more than BDT 150,000 (USD 2,000) to any individual candidate's campaign.¹⁰

Disclosure Requirements for Political Parties

Every political party fielding candidates in parliamentary elections must submit expenditure statements (Form-23) to the BEC within 90 days of the election.¹¹ If a party fails to do so, the BEC may issue reminders, and as a last resort, fine the party or cancel its registration.¹²

Apart from reporting requirements related to elections, political parties are also required to submit annual financial reports, as outlined in the Political Parties Registration Rules, 2008. Each registered political party must submit a report of "monetary transactions" by July 31 each year, and these reports must have been audited by a "registered chartered accounting firm" before submission.¹³

Monitoring of Campaign Expenditures

During the election, the BEC issues instructions to the RO for constituting a "Vigilance and Observation Team" at the district level. The RO is the appointed head of the team, and district level government officials serve as team members. The team has jurisdiction over an entire district (there are generally seven to eight constituencies in the average district). It is the team's responsibility to visit the constituencies within their district and scrutinize whether a candidate is:

- In violation of the Code of Conduct;
- Exceeding the election expenses/campaign finance limit; or
- In violation of any other electoral laws.

According to law, the BEC is also responsible for constituting Electoral Enquiry Committees (EEC) for electoral areas, comprised of judiciary officers, which is published through a gazette notification. The EEC sends a report on any electoral irregularities to the BEC immediately after conducting an investigation.

Similarly, if the Vigilance and Observation Team found that candidates are exceeding the election expenses limit, they are required to send a report to the BEC immediately. The team can also request that the EEC conduct an investigation. In addition, the Anti-Corruption Commission and other fiscal authorities, such as the National Board of Revenue, may scrutinize candidates' statements.¹⁴

10 Clause (3) of Article 44CC, RPO.

11 Clause (1) of Article 44CCC, RPO.

12 Clause (5) of Article 44CCC, RPO.

13 Political Party Registration Rules 2008, Paragraph 9.

14 Dhaka Tribune, Wealth statements of election candidates under ACC scrutiny, December 9, 2018. <https://www.dhaka-tribune.com/bangladesh/election/2018/12/09/wealth-statements-of-election-candidates-under-acc-scrutiny>