



# **EWG Observation of 2013 City Corporation Elections**

## **Comprehensive Report on Pre-election Campaigning and Election Day Voting**

# **Election Working Group September 2013**



## **Election Working Group**

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## **Acknowledgements**

EWG observers monitored four pre-election, Election-Day and post-election day periods, and demonstrated diligence in conducting their work. The EWG Steering Committee commends these observers for their dedicated effort. The EWG would like to acknowledge and thank Returning Officers, Assistant Returning Officers, other ECB officials and temporary poll officials who cooperated with the EWG observers. EWG also expresses its appreciation to the staff of its Secretariat for preparing the observation checklists, and for providing trainings and coordination support.

**EWG Steering Committee**

## **Executive Summary**

The Election Working Group (EWG), a non-partisan network of 29 leading civil society organizations in Bangladesh, was formed in 2006 with the shared goal of enhancing the transparency and accountability of elections and other democratic processes. Since its establishment, the EWG has observed national and local elections, with support from the Election Commission Bangladesh (ECB); it has conducted advocacy on election-related issues; and, developed recommendations for further improving the election process. In partnership with the ECB, the EWG played a significant role in assuring the credibility of the 2008 parliamentary election.

In June and July 2013, Bangladesh held elections in five city corporations. Elections in June were held in Barisal, Gazipur, Khulna, Rajshahi and Sylhet; a July election was held in Gazipur. Positions being contested in all the city corporation elections included mayor and councilor. A total of 1,518,665 out of 2,256,764 registered voters cast their ballots in these elections, in a total of 1044 polling stations.

EWG observers were deployed in all five city corporations to assess the pre-election environment, Election Day procedures and conditions, and the post-election environment. All wards in the city corporations were covered, and a total of 466 polling stations were observed. In general, EWG observers noted that Election Day was relatively peaceful and the voting process was generally fair, except for sporadic incidents related to violations of the Election Code of Conduct, and irregularities in procedural process.

The following report summarizes the observation-related data and information collected by the EWG observers, as well as EWG recommendations to strengthen the electoral process. Recommendations are drawn from the information and data submitted by observers, and the observations and analyses of the EWG partners.

## I. Introduction

The Election Working Group (EWG), a non-partisan network of 29 leading civil society organizations in Bangladesh, was formed in 2006 with the goal of enhancing the transparency and accountability of elections and related democratic processes. Since its establishment, the EWG has observed national and local elections, with the cooperation of the Election Commission Bangladesh (ECB); it has conducted advocacy on election-related issues; and has issued recommendations for further improving the election process. In partnership with the ECB, the EWG played a significant role in assuring the credibility of the 2008 parliamentary election.

In June-July 2013, the ECB arranged elections in five city corporations—Barisal, Gazipur, Khulna, Rajshahi and Sylhet. EWG observers monitored the elections in Barisal, Khulna, Rajshahi and Sylhet on 15 June 2013, and the Gazipur City Corporation election on 6 July 2013. Observation protocols adhered to the Election Code of Conduct of Bangladesh and international principles of election observation.

In each of the four city corporations (Barisal, Khulna, Rajshahi and Sylhet), a total of 12 LTOs were deployed; three LTOs were deployed in each city corporation to cover all wards in the respective city corporations. In Gazipur, 17 LTOs were deployed to cover all 57 wards. LTOs observed the pre-election campaign period for three weeks before the elections; they also observed the post-election environment for one day after Election Day. In addition, the EWG engaged 147 short-term observers (STOs) to observe Election Day activities in the five city corporations (see details in Tables 1 and 2). STOs and LTOs were deployed in teams of two, and observation activities covered all Election Day activities from opening to closing and counting. All LTOs and STOs were engaged by EWG member organizations, and received training from the EWG Secretariat.

Information was gathered by observers through checklists prepared by the EWG Secretariat. Three types of checklists were utilized: (1) checklists to observe the campaign period, (2) Election-Day checklists, and (3) post-election day checklist. Election-day checklists covered the opening of polling stations, voting operations and closing and counting. This report is based on data and information collected in the five city corporations during the pre-election campaign period, Election Day and post-election day.

**Table 1:** Total number of voters, polling stations and polling booths

Name of the city corporation	No. of wards	No. of mayoral candidates	Total number of voters	Total number of polling stations	Total number of polling booths
Barisal	30	5	221,257	100	614
Gazipur	57	6	1,026,938	392	2,289
Khulna	31	6	4,40,567	288	1428
Rajshahi	30	7	286,917	137	871
Sylhet	27	9	291,046	127	896

**Table 2:** Number of observers and number of polling stations observed

Name of the city corporation	Number of long-term observers	Number of short-term observers	Number of polling stations observed—Opening	Number of polling stations observed—Voting operation	Percentage of polling stations observed—Voting operation	Number of polling stations observed—Closing
Barisal	3	30	10	85	85.00%	10
Gazipur	17	27	10	84	21.43%	10
Khulna	3	30	10	84	29.17%	10
Rajshahi	3	30	10	78	56.93%	10
Sylhet	3	30	10	85	66.93%	10

## **II. Election Day Observation**

The two election days were relatively peaceful and the voting process was generally fair, except for sporadic incidents related to violations of the Election Code of Conduct, and irregularities in procedural process.

To observe the situation at the opening and closing of poll stations, EWG observers were present in ten polling stations in each city corporation. They completed the designated observation checklists for polling center opening, polling center closing and, the counting process.

### ***Poll Opening***

During the opening, except for one center in Sylhet, EWG observers did not face problems in entering any of the polling centers, in any of the city corporations. Observers reported that preparations prior to commencement of voting were generally adequate: all voting materials were available, and ballot boxes were empty and locked with security seals in all the stations. Ballot papers were found to be in good condition in all stations in Gazipur and Khulna; however, in one polling station out of 10 in each of the three remaining city corporations, ballot papers were torn.

### ***Voting Procedures and Processes***

Following the opening, EWG observers provided information on voting operations on Election Day, observing 85 polling stations, each, in Barisal and Sylhet; 84 polling stations, each, in Gazipur and Khulna, and 78 polling stations in Rajshahi. All observer teams completed separate designated checklists, for each polling station.

Observation focus areas included candidates' compliance with the electoral code of conduct; accessibility of polling stations to old, pregnant, sick and disabled voters; tension or unrest around

polling centers; the general environment outside and inside polling stations and polling booths; and, the voting process.

As observed during opening, and subsequently during the voting operations, security seals were attached properly on all ballot boxes in all stations in the five city corporations, except for one percent of the polling stations in Khulna and Rajshahi.

Official seals were correctly used on the counterfoil of the *ballot paper* and on the back side, and signatures/finger prints of voters were correctly placed on ballot papers in all polling stations observed.

Instances of ballot paper snatching and of votes being cast by poll officials, on behalf of voters, were not observed in any polling station. In most polling stations, except for 2.4 percent in Barisal, and 3.8 percent in Rajshahi, no one was allowed to cast a vote without first identifying him/herself properly. Incidents in which one person's vote was cast by another person were observed in all polling stations. Cases of such "*false voting*" occurred in only 0.6 percent of observed polling stations in the five city corporations. In most cases, presiding officers reported these cases to magistrates and mobile courts.

*Indelible ink* was used by election officials to mark voters' fingers in over 90 percent of the stations in Gazipur, Khulna, Rajshahi and Sylhet. In Barisal, indelible ink was used in 86 percent of polling stations; in the remaining 14 percent of stations indelible ink pens were not used in most of the cases (Annex 1: Chart 7). Even with the use of indelible ink to prevent multiple voting, however, in 2.4 percent of polling stations in Barisal, persons already bearing a mark of indelible ink were allowed inside to cast votes.

Use of *mobile phones* inside of polling booths is prohibited: despite the prohibition, mobile phones were used in approximately 10 percent of the polling booths observed in Khulna, and in 5 percent of polling stations in Gazipur. No action was taken in regard to these violations.

### ***Code of Conduct***

Violations of the Electoral Code of Conduct, according to city corporation rules, carry a penalty of six months in prison, a fine of BDT 50,000, or both (Rule 8). In the case of the city corporation elections, candidates or their supporters were observed to violate the Code of Conduct: this includes 81 cases of campaign materials being displayed, and/or campaign activities being conducted, within 400 meters of polling stations during opening, and throughout the day (Annex 1: Chart 1). Campaign activities (both inside polling stations and outside their perimeters) included rallies outside of polling stations, and efforts by supporters to influence voting when distributing voter slips outside of many polling stations. Despite such incidents, observers noticed no instance of an individual being arrested or fined. Indeed, observers noticed no instances of punishment for persons who violated the Code of Conduct in any city corporation. Returning officers generally issued oral warnings to defaulters. In only one case, did observers report that a notice was issued for a violation. Similarly, the ECB has the authority to cancel the candidacy of mayoral or councilor candidates for violating the Code of Conduct (Rule 59). The enforcement role played by the Election Commission in regard to violations of the Electoral Code of Conduct, however, was generally limited to monitoring campaigns (rallies and materials), particularly through the use of monitoring teams and the mobile courts.

### ***Accessibility of Polling Stations and Polling Booths***

Observers reported that access to polling stations was generally good for old, pregnant, sick and disabled voters in over 95 percent of the polling stations in Barisal and Khulna (Annex 1: Chart 2). Accessibility was observed to have been lower in Gazipur (66%) and Sylhet (74%), and at its lowest in Rajshahi (32%). Special arrangements inside polling centers for disabled, sick and old persons were remarkably absent in most polling stations. In Barisal, representing the best case scenario, less than one-third of the polling stations were observed to have special arrangements. In Sylhet, less than 10 percent of the stations made special arrangements (Annex 1: Chart 3).

Even where special arrangements were made, they were generally observed to be inadequate. For example, where polling stations had ground floor and first/second floor voting, designated polling booths for the disabled were located on the first or second floor, rather than the ground floor. In some cases polling booths for women were assigned to the first/second floor, while polling booths for men were assigned to ground floor areas.

### ***Security Environment***

Observers found the election environment to be generally peaceful, although some occurrences of tension and violence were reported. Tension or unrest around polling stations was relatively high in Rajshahi (in 17 percent of polling stations), and in Gazipur and Sylhet (in approximately 10 percent of polling stations). Tension was low in Barisal and Khulna (Annex 1: Chart 4). While some sporadic incidents were reported, there was no evidence of any incident escalating to a level that rendered it out of control. On average, voters were threatened in less than 3.8 percent of all observed polling stations (Annex 1: Chart 5). In Sylhet, however, eight percent of voters reported that they were threatened around polling stations.

The presence of security forces served as an effective deterrent. In each polling center, a sufficient number of law enforcement personnel were deployed to maintain the law and order situation. On the streets, mobile courts and strike forces composed of Bangladesh Border Guard (BGB) and Rapid Action Battalion (RAB) played an important role in ensuring a generally peaceful environment. EWG observers noted that in areas where tension prevailed, strike forces could stabilize the situation.

### ***Polling Booth Environment***

Availability of necessary voting materials was generally not a serious problem in any of the polling stations observed in the five city corporations, during opening and subsequently throughout the day. Inside the polling booths, the layout generally insured the *secrecy of the vote*: this includes clear demarcation lines for each booth, adequate spacing between booths, and an environment in which voters were able to identify their booths easily and quickly (Annex 2: Table 3). Secrecy of the vote was maintained in over 95 percent of the polling stations observed, in all city corporation elections.

Problematic layout of polling booths was observed in 14 percent of polling stations in Gazipur, and 7 percent of polling stations in Barisal (Annex 1: Chart 6).

Examples of improper layout included:

- The use of small spaces to accommodate multiple numbers of polling booths. The lack of space meant that in some cases polling agents were not permitted to sit inside the polling booths.
- Lack of sufficient space to accommodate long lines of voters outside of polling booths, which often led to pushing, and to some voters leaving without casting a vote.
- Polling booths located near windows through which passers-by could see the voting.
- Use of transparent cloth to cover marking places, and marking places not sufficiently covered to provide privacy.
- Seating of candidates' agents in very close proximity to marking places.

### ***Closing and Counting***

Voting operations closed on time in all stations; all voters who entered into the polling center before 4 P.M. were permitted to vote, except in 10 percent of polling stations in Barisal and Rajshahi. The vote counting process was observed by the EWG in all five city corporation elections, and vote counting procedures were followed in all areas.

The number of spoiled ballots was recorded in all polling stations visited in all the city corporations. The number of unused ballots was recorded in all polling stations in Gazipur and Khulna; in Barisal, Rajshahi and Sylhet, the number of unused ballots was not recorded in three polling stations in each of the three city corporations.

Security seals on ballot boxes were observed to be intact before they were opened in all polling stations visited in all the city corporations.

Vote counting was concluded without objection, complaint, or recounting in Sylhet. Instances of objection, complaint, or recounting were observed in 20 percent of polling stations in Barisal and Khulna, and 10 percent in Gazipur and Rajshahi. Complaints and requests for recounts were generally lodged by agents of candidates who had lost; specific procedural reasons for the complaints were not given.

### ***Environment for Observers***

Observers rarely faced obstruction in entering polling stations, and in general, did not face difficulties in obtaining information from polling officials. Election officers were generally helpful and cooperative. Observers were informed of complaints by voters in as many as 20 percent of the polling stations in Gazipur, 14 percent in Barisal, and 12 percent in Sylhet (Annex 1: Chart 8).

### III. Election Campaign Period Observation

During the election campaign period, observation activities focused on candidates' adherence to the codes of conduct specified by the ECB. Observers provided their findings on 19 listed restrictions/bans on candidates' activities during election campaigning. The observation revealed that violation of twelve of these codes was minimal in all five city corporations (Annex 2: Table 1), while violation of seven of the codes was more common (Annex 2: Table 2).

As noted previously, city corporation election regulations specify penalties for violation of the Electoral Code of Conduct. During the campaign period, however, enforcement of regulations was minimal; in most cases, only warnings were issued.

Examples of violation of the Code of Conduct include:

- A state minister participated in the election campaign in support of a councilor candidate. Persons not permitted to participate in the election campaign, include cabinet ministers, state ministers, deputy ministers or minister-ranked persons.
- Use of government vehicles for campaigning purposes is illegal. In Rajshahi, a mayoral candidate was issued a notice regarding such a violation, by the returning officer, but no further action was taken.
- Display of excessively large banners. In Barisal, large billboards and banners were used for election campaigns of at least two candidates. Returning officers called upon the mobile courts to remove the banners, and the banners were removed.
- According to the Election Code of Conduct, pictures of party leaders are not permitted on campaign materials. In Gazipur, for example, numerous photographs of Khaleda Zia, Sheikh Hasina or Tarique Zia were displayed on posters or banners. Returning officers (ROs) or the concerned Assistant Returning Officers (AROs) generally indicated that they were unaware of the displays. In Barisal and Rajshahi, ROs/AROs seemed to be more aware of such incidents, and action was taken for 14 cases out of 24 in Barisal, and 18 cases out of 20 in Rajshahi. In these cases, oral warnings or notices were issued to remove the illegal campaign materials, and the warnings complied with.
- Posters were placed in non-permissible places (for example, vehicles, walls, electric/telephone poles, trees, government offices/ establishments) by all candidates in all the city corporations. In Gazipur and Sylhet, returning officers were generally unaware of more than 90 percent of the violations. Action was taken in a few cases: in Sylhet, for example, a mobile court fined a councilor BDT 5,000 for violating the code. In Rajshahi, returning officers seemed to be more aware of such incidents (i.e., they were aware of 71% of cases), but no action was taken. In Barisal, returning officers were aware of the violations in 36.4 percent of the cases; they took action on less than half of those cases (Annex 1 - Table 1).
- The prohibition on the distribution of soft drinks, food, or other food or gifts to voters in a candidate's "election camp" was generally adhered to, with some exceptions. Violations were mainly observed in Barisal (22 cases); a few incidents were also observed in Gazipur (8 cases) and Sylhet (5 cases). In Sylhet, for example, a councilor candidate was observed to entertain 60 people with cakes, biscuits and tea in his campaign office. Returning officers were aware of the violations in 50 percent of these observed cases and took action in 45 percent of those cases.

- The prohibition on setting up more than one election camp in a ward was disregarded in 20 cases. For example, in Barisal a mayoral candidate set up four election camps in one ward, but no action was taken.

#### **IV. Post-election Election**

EWG observers observed post-election day in all five city corporations; no post-election violence was reported.

#### **V. Recommendations**

1. Discourage violations of codes of conduct by establishing specific legal sanctions against different types of violations and enforcing these sanctions in a transparent and unbiased manner.

*Election rules and codes of conduct are formulated to level the playing field among candidates, and ensure free, fair and credible elections. If the rules are violated and the offenders get away with nothing more than a simple warning or a seizure of campaign materials, the rules lose much of their bite. The low incidence of penalties for violations of the code of conduct points to a lack of enforceability of legal sanction as may currently exist. Without the enforcement of penalties, rules are usually violated with impunity. While the 2013 city corporation elections may have been relatively problem-free, unobstructed violations of rules of conduct convey improper signals for future elections.*

2. Ensure effective arrangements for access to polling stations, and internal arrangements in polling booths, to accommodate persons who are disabled, sick, pregnant, or elderly. Assess potential polling stations before selection; designate polling booths for the disabled on the ground floor, wherever possible.

*Access to voting stations and voting booths is fundamental in ensuring the voter's right to freely choose his or her representative. The issue of accessibility, therefore, must be considered and addressed prior to setting up the polling stations and polling booths in any city corporation.*

3. Ensure proper layout of polling stations to safeguard secrecy of the ballot: for example, clearly demarcate areas for each booth; allocate more space to each booth; do not locate booths near windows through which passers-by could observe voting; and, provide sufficient cover/privacy for each marking place.

*Secrecy of the ballot is a core principle for free, fair and credible elections and should be protected under all circumstances.*

4. Indelible ink pens should be tested for quality prior to their use. A uniform and high quality standard of ink and pens should be maintained in all polling stations.

*The use of indelible ink to assure that every voter gets only one vote is important as a measure against allegations of voting irregularity, and critical in ensuring public acceptance of elections outcomes. While indelible ink pens were widely used during the elections, their quality was problematic: the ink was often light, and in some cases was totally dried out.*

5. Comprehensive and “hands on” training should be provided to polling personnel, and should include layout of polling stations and all details of voting operations.

*Polling officers are responsible for ensuring that election-day processes and procedures are conducted in accordance with ECB election day rules and regulations – from poll opening to counting. This includes a requirement that damaged ballot papers be replaced, and a prohibition on stamping multiple ballots, in advance. The competence of polling officers is key to an election process that is acceptable to all stakeholders.*

6. Voter awareness about the basics of the voting process needs to be improved. For city corporation elections, add at least one additional marking place in every polling booth.

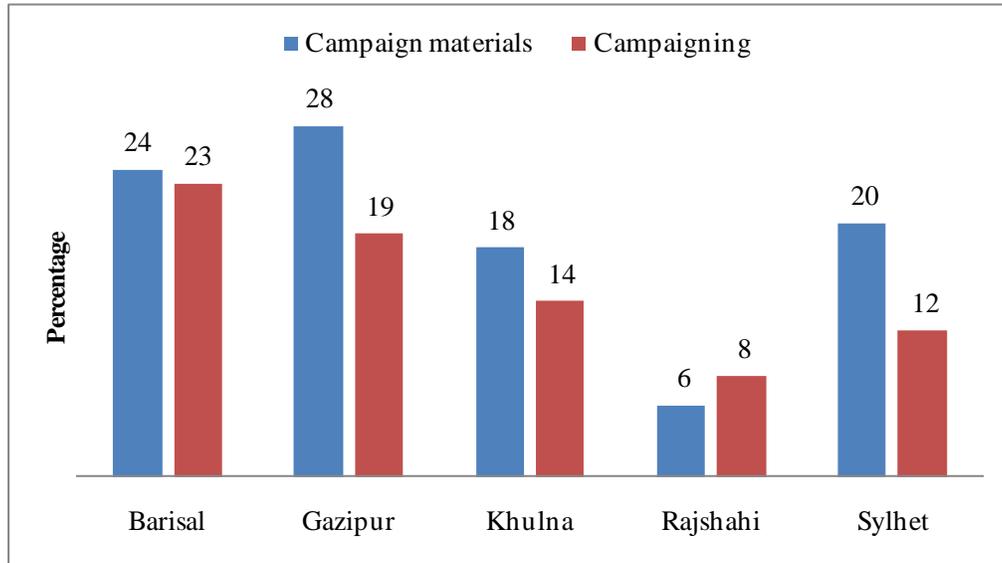
*Voting is often slowed because voters are not aware of basic voting procedures. In the context of the city corporation elections, the problem was exacerbated by the various offices being contested. Awareness raising strategies regarding the voting include the placement of easy-to-understand posters that demonstrate voting procedures, at all polling booths.*

7. The cooperation of election and polling officials, in relation to observers, is critical. This includes sharing information with observers on complaints and actions taken.

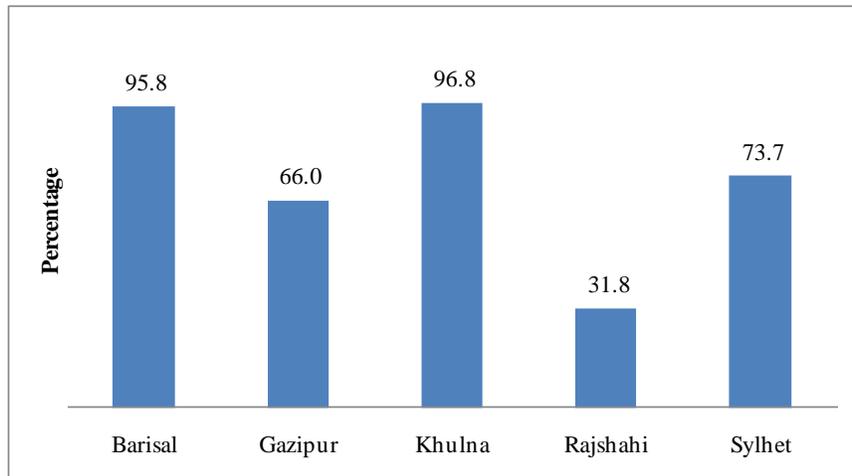
*Election observer activities and reports play an important role in enhancing the legitimacy of elections; as such, cooperation between election officials and observers works to strengthen the election process and contribute to its credibility.*

ANNEX 1: CHARTS  
ELECTION DAY OBSERVATION

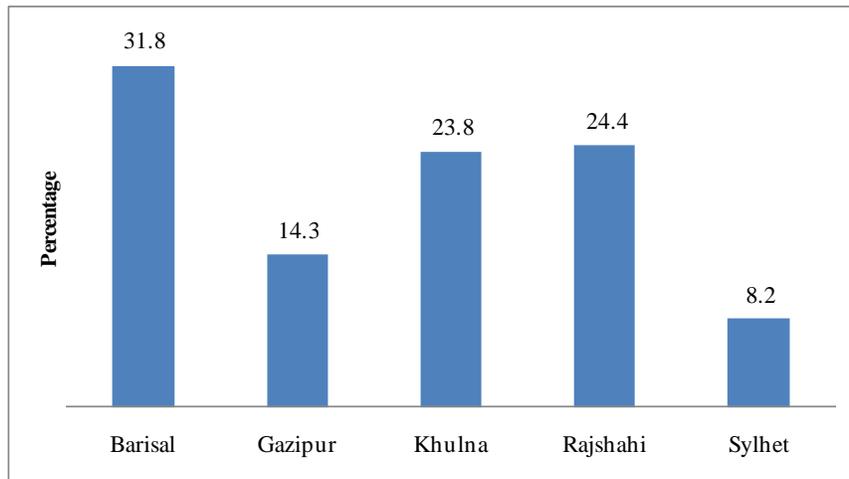
**Chart 1:** Percentage of polling stations in which observers found campaign materials or campaigning within 400 meters of the stations



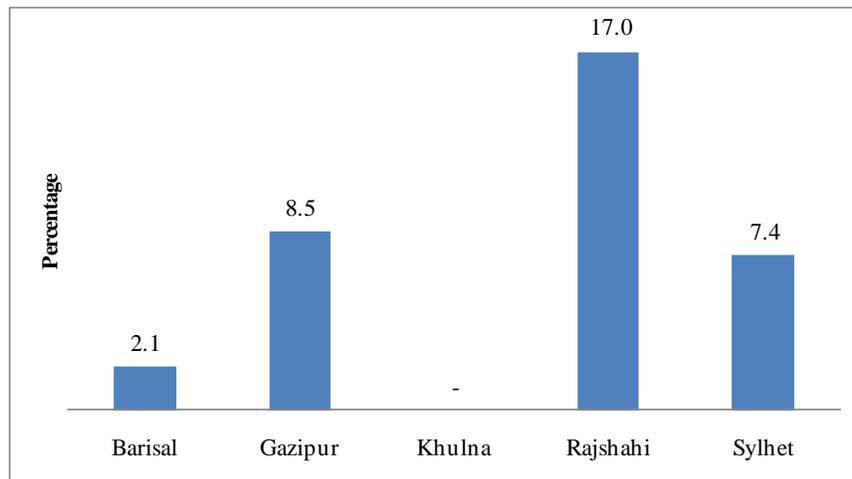
**Chart 2:** Percentage of polling stations in which observers found reasonable or good access for old, pregnant, sick and disabled voters



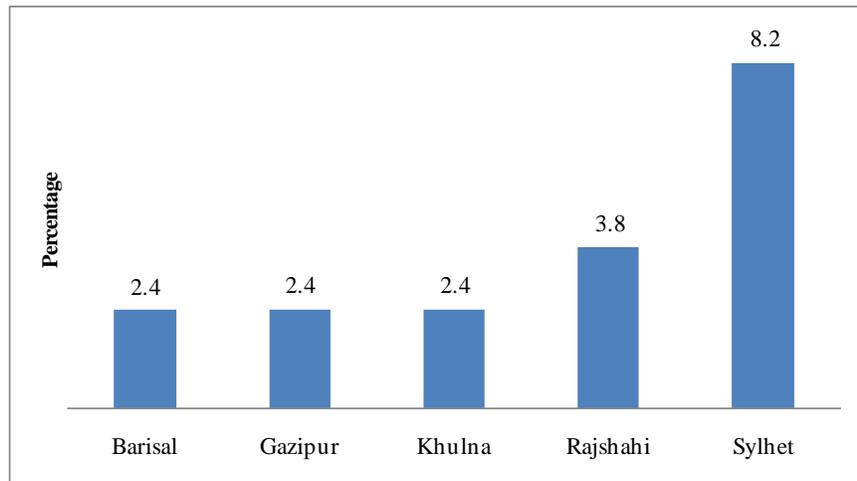
**Chart 3:** Percentage of polling stations in which observers found special arrangements inside the center for disabled, sick and old persons



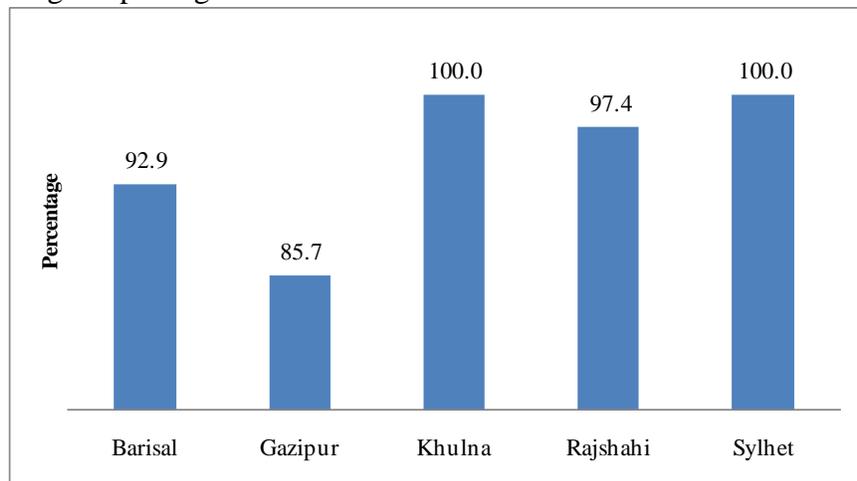
**Chart 4:** Percentage of polling stations in which observers found tension or unrest around the polling center



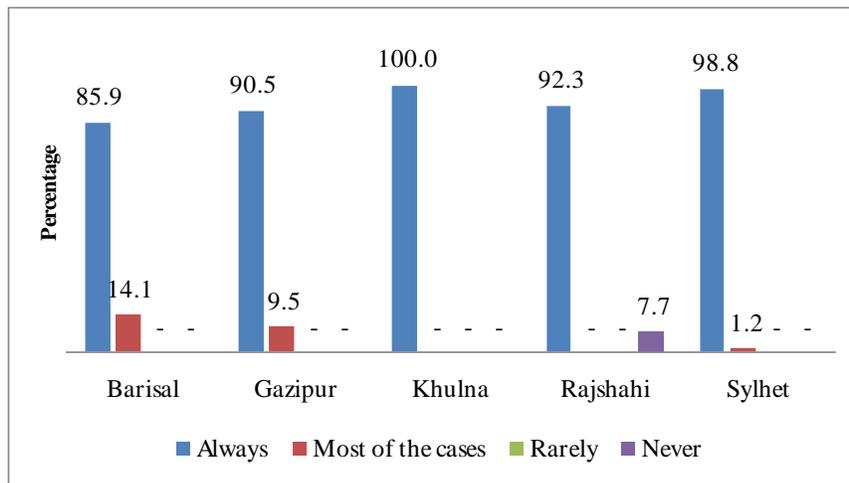
**Chart 5:** Percentage of polling stations in which monitors observed incidents of voters being threatened



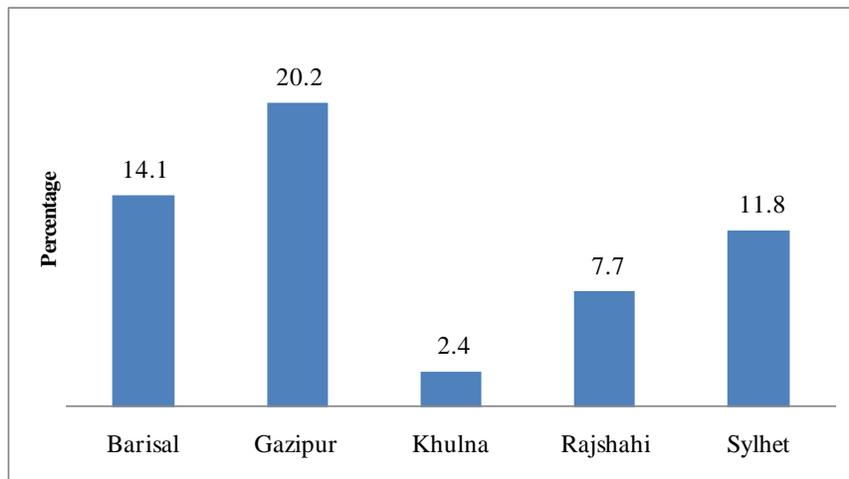
**Chart 6:** Percentage of polling centers in which was used



**Chart 7:** Percentage of polling stations in which indelible ink was used as required



**Chart 8:** Percentage of polling stations in which observers were informed about complaints



ANNEX 2: TABLES  
ELECTION CAMPAIGN PERIOD OBSERVATION

**Table 1:** List of campaign period prohibitions/restrictions that were largely observed by all candidates

Prohibitions/Restrictions on:	Number of incidents of violation of Code of Conduct					
	All five city corporations	Barisal	Gazipur	Khulna	Rajshahi	Sylhet
Donating or promising to donate money to any institution (mosque, madrasa, educational institution, orphanage, temple, club, etc.) during campaign	4	1	1	0	0	2
Using government establishments (circuit house, bungalow, rest house, offices etc) for campaign purposes or night stay/accommodation	5	5	0	0	0	0
Obstructing meetings, processions, or campaigns conducted by other candidate(s)	10	4	3	0	0	3
Depicting a candidate in anything other than a normal pose in campaign posters (Poses not legally acceptable include: praying, wearing garland of flowers, leading a procession, etc.).	8	7	0	0	0	1
Placing election-related graffiti in unauthorized or undemarcated places (e.g. poles, rooftops, bridges, road dividers, road islands)	11	4	3	0	3	1
Constructing archways/gates on which to place election campaign material	5	1	0	1	0	3
Utilizing lighting or decoration with electricity in campaigns	8	3	0	1	2	2
Candidate or his/her supporters using shirts, jackets, <i>fatua</i> , etc. with the candidate's photograph, symbol, or slogans	3	0	0	0	0	3
Campaigning in places of worship (e.g., masjid, temple, church)	11	8	0	0	0	3
Using more than three microphones or loud speakers in a ward at the same time (other than public meeting in designated places)	19	9	1	0	8	1
Conducting campaigns before or after the designated time (2 pm to 9 pm) using micro phone or loud speakers)						
Cabinet minister, state minister, deputy minister or minister-	1	0	0	1	0	0

Prohibitions/Restrictions on:	Number of incidents of violation of Code of Conduct					
	All five city corporations	Barisal	Gazipur	Khulna	Rajshahi	Sylhet
ranked person participating in an election campaign						

**Table 2:** Listing of campaign period prohibitions/restrictions which were commonly breached observed by all candidates

Prohibitions/Restrictions on:	Number of incidents of violation of Code of Conduct					
	All five city corporations	Barisal	Gazipur	Khulna	Rajshahi	Sylhet
Using name/identity of a political party, symbol, or politician while campaigning	70	24	25	0	20	1
Sticking or hanging campaign materials (posters, leaflets, handbills) in places other than permissible areas/places. (Non-permissible places include vehicles, walls, electric/telephone poles, trees, government offices/establishments, other standing objects).	204	62	82	0	17	43
Sticking campaign materials (posters, leaflets, handbills) on top of posters/campaign materials of other candidates	40	29	7	0	0	4
Using color posters during the campaign	70	29	36	1	0	4
Using campaign posters larger than 23x18 inches during the campaign	47	29	11	0	1	6
Utilizing trucks, buses, motor bikes, trains or any other vehicles in candidates' processions or holding torch processions	27	19	7	0	0	1
Giving soft drinks, food, or other food or gifts to voters in any of the candidate's camps	35	22	8	0	0	5

**Table 3:** Proper layout of polling booths (e.g., demarcation line for each booth, necessary information for voters, lay out of the polling booth)

Name of the city corporation	Yes	No	Total
Barisal	86 (90.5%)	9 (9.5%)	95 (100.0%)
Gazipur	82 (87.2%)	12 (12.8%)	94 (100.0%)
Khulna	92 (97.9%)	2 (2.1%)	94 (100.0%)
Rajshahi	86 (97.7%)	2 (2.3%)	88 (100.0%)
Sylhet	95 (100.0%)	0 (0.0%)	95 (100.0%)