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# **Elections in Bangladesh**

## *2018 General Elections*

Frequently Asked Questions

Asia-Pacific

International Foundation for Electoral Systems

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## Frequently Asked Questions

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*Disclosure:*

*These FAQs reflect decisions made by the Bangladeshi elections authorities as of December 13, 2018, to the best of our knowledge. This document does not represent any IFES policy or technical recommendations.*

## When is Election Day?

The upcoming 11th parliamentary election of Bangladesh must be held between October 30, 2018, and January 28, 2019, as per Article 123(3) of the Constitution of Bangladesh.<sup>1</sup> The election date was originally set for December 23 but was recently postponed to December 30, 2018.

## What is the legal framework governing the elections?

The national legal framework governing elections to the Jatiya Shangshad (National Parliament) consists of the following, with their subsequent amendments:

- [Constitution of Bangladesh, 1972](#) (Articles 118-126 and 17th amendment for women's reserved seats)
- [Representation of the People Order \(RPO\), 1972](#)<sup>2</sup>
- [Delimitation of the Constituencies Ordinance, 1976](#)
- National Parliament (Reserved Women Seat) Election Act, 2004
- Code of Conduct for Political Parties and Candidates, 2008<sup>3</sup>
- Election Commission Secretariat Act, 2009
- Election Conduct Rules, 2008
- Election Officials (Special Provision) Act, 1991
- Electoral Rolls Act, 2009
- Independent Candidate (Verification of Support) Rules, 2011
- Electronic Voting Machine (EVM) Rules, 2018

The RPO was amended for the 2008 and 2014 elections. Further amendments to the RPO were formalized on October 31, 2018, mainly to allow for the use of EVMs. Minor changes to the Code of Conduct were passed on October 31, 2018.

The international framework for elections consists of the following treaties to which Bangladesh is a signatory:

- The Universal Declaration of Human Rights
- The International Covenant on Civil and Political Rights
- The Convention on the Elimination of all Forms of Discrimination Against Women
- The Convention on the Rights of Persons with Disabilities

## Why are these elections important?

The last parliamentary elections in Bangladesh in 2014 were boycotted by the then-opposition Bangladesh Nationalist Party (BNP) and its allies due to the removal of a provision in the Constitution for

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<sup>1</sup>The Constitution of Bangladesh, Article 123(3). [http://bdlaws.minlaw.gov.bd/pdf\\_part.php?id=367](http://bdlaws.minlaw.gov.bd/pdf_part.php?id=367)

<sup>2</sup>The Representation of the People Order (RPO), 1972 (amended up to 2018).  
[http://bdlaws.minlaw.gov.bd/pdf\\_part.php?id=424](http://bdlaws.minlaw.gov.bd/pdf_part.php?id=424)

<sup>3</sup> Amended on October 31, 2018.

an election-time caretaker government by the ruling Awami League. Recent local government elections have been met by accusations of irregularities by BNP supporters and election observers.<sup>4</sup> According to the National Democratic Institute's pre-election delegation, these polls will take place amid a high degree of political polarization, heightened tensions and shrinking political space.<sup>5</sup>

However, the 2018 elections hold the promise of being inclusive, provided that all parties are able to contest the election on an equal basis and willing to participate in an electoral process governed by the Bangladesh Election Commission.

## **What is the electoral system?**

The Bangladeshi Parliament is composed of 350 members, 300 of whom are directly elected from single member constituencies using the first-past-the-post (FPTP) method for a term of five years. Each voter has one ballot and can cast a vote for one candidate in their constituency. The candidate receiving the highest number of votes in a constituency is elected. In addition, there are 50 seats reserved for women for the next 25 years, who are selected by the leadership of their respective parties in proportion to the number of seats won by each party.

Historically, Bangladesh's electoral system has been characterized by extreme disproportionality, a common criticism of the FPTP system. For example, in the 2008 election, the Awami League (AL)-led alliance won 56 percent of the votes but received 88 percent of the seats. Similarly, in 2001, the Bangladesh Nationalist Party (BNP) and AL received almost the same proportion of votes, 41.40 percent and 40.02 percent respectively, but the BNP won 64 percent of the seats. This disproportionality is exacerbated by the system for distributing women's reserved seats based on the share of general seats won through FPTP.

## **What is the structure of government?**

According to the Constitution, Bangladesh is a multi-party parliamentary democracy with a non-executive president. The prime minister has executive power and leads a cabinet of ministers, which is collectively responsible to the Parliament. The role of the president is ceremonial, and she or he is elected by members of Parliament. The president has the power to dissolve the Parliament.

## **How are elections administered?**

The Constitution of Bangladesh provides for the establishment of an election commission, consisting of the chief election commissioner and not more than four election commissioners. Election

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<sup>4</sup> Dhaka Tribune, June 28, 2018. "Gazipur city polls: EWG finds violations at 46% of polling centres" <https://www.dhakatribune.com/bangladesh/election/2018/06/28/gazipur-city-polls-ewg-finds-violations-at-46-of-polling-centres>

<sup>5</sup> National Democratic Institute, October 12, 2018. "Statement of NDI's Pre-Election Assessment Mission to Bangladesh's 2018 Parliamentary Elections" [https://www.ndi.org/sites/default/files/Bangladesh PEAM Statement Oct 2018\\_0.pdf](https://www.ndi.org/sites/default/files/Bangladesh%20PEAM%20Statement%20Oct%202018_0.pdf)

commissioners can be removed following the process specified for the removal of Supreme Court judges. An election commissioner may resign her or his office with a letter addressed to the president.

The Bangladesh Election Commission (BEC) is an independent constitutional body in the exercise of its functions and subject only to the Constitution and any other law. The Constitution (Article 126) provides that it shall be the duty of all executive authorities to assist the BEC in the discharge of its functions. The BEC has the power to, under its direction, require any person or authority to perform such functions or render such assistance for the purpose of conducting an election.

The BEC is supported by a Secretariat, the role of which was strengthened with the passage of the Election Commission Secretariat Act (2009). The secretary is the administrative head of the Secretariat. The government allocates funds to the BEC according to proposals submitted by the BEC. The current commission was appointed in early 2017 and will serve a five-year term.

## **Who are voters casting a ballot for on Election Day?**

Eligible voters will cast their ballot for one representative to serve their constituency in the Parliament, using a single ballot. Voters will not directly vote for the women's reserved seat representatives. Candidates can run in a maximum of three constituencies. If they win seats in more than one, they must vacate the extra seats, and a by-election will be organized in the affected constituencies.

## **Who are the candidates?**

A total of 3,056 aspiring candidates submitted the required nomination documents to the Bangladesh Election Commission (BEC). The nominations were due on November 28, and the BEC conducted a scrutiny of nominations by December 2. The final date for the withdrawal of candidacy was December 9. Each political party can nominate only one candidate per constituency, but it is possible to contest the election as an independent candidate.

The final number of approved candidates is 1,841 candidates, with 1,745 from political parties and 96 independent candidates.

## **Who can vote in these elections?**

According to the Constitution of Bangladesh, "[t]he State shall not discriminate against any citizen on grounds only of religion, race, caste, sex or place of birth." With few exceptions, citizens 18 years or older can register to vote. A prospective voter can register to vote in Bangladesh if they fulfill the following criteria:

- Is a citizen of Bangladesh;
- Is not less than 18 years of age;
- Does not stand declared by a competent court to be of unsound mind;
- Is or is deemed by law to be a resident of that constituency; and

- Has not been convicted of any offence under the Bangladesh Collaborators (Special Tribunals) Order, 1972.<sup>6</sup>

Citizens under the age of 18 will be able to register to vote in future elections once they turn 18. To be eligible to vote in 2018, the citizen must have turned 18 before January 1, 2018.

## **How was voter registration conducted?**

According to the Electoral Rolls Act 2009, Article 11, the voter lists must be updated annually to include the names of eligible voters who turned 18 and to remove the names of voters who became ineligible since the last update, as well as to correct the entries of people who changed their places of residence. The Bangladesh Election Commission (BEC) issues smart national identity cards to all voters.

In 2008, the Armed Forces of Bangladesh conducted a door-to-door registration exercise to ensure a comprehensive voter list. In subsequent years, the BEC has conducted voter registration updates, where citizens must go to voter registration centers to finalize registration. The last voter registration update was done in 2018. Currently, there is no process in place to register Bangladeshis residing overseas.

## **How many registered voters are there?**

On January 31, 2018, when the most recent voter list was published, there were 104,142,381 voters on the list. Of the total voters, 52,512,105 are men (50.42 percent) and 51,630,276 are women (49.58 percent). Another supplementary voter list will be released before the election.

## **Where will voters cast their ballots on Election Day?**

There will be 40,199 polling centers and 206,540 voting booths. Each center will serve approximately 2,500 voters on average. Polling centers are usually in schools and other public buildings, and most schools are not accessible to persons with disabilities.<sup>7</sup>

Although the government finalized the procurement for electronic voting machines (EVMs) to be used in 100 constituencies, they will be used in only six constituencies: Dhaka-6, Dhaka-13, Chattogram-9, Rangpur-3, Khulna-2, and Shatkhira-2. Army personnel is being trained to operate the EVMs.

## **What are the arrangements for electoral security?**

The Representation of the People Order stipulates that the Bangladesh Election Commission (BEC) has broad jurisdiction for direct deployment of the police and other security agencies – with the exception of the military – from the time the election schedule is announced until the close of the election. The BEC can exercise the power to requisition the military, but operational control remains within the

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<sup>6</sup> The Constitution of Bangladesh, Article 122.

[http://bdlaws.minlaw.gov.bd/sections\\_detail.php?id=367&sections\\_id=24681](http://bdlaws.minlaw.gov.bd/sections_detail.php?id=367&sections_id=24681)

<sup>7</sup> UNICEF, 2014. "Situation Analysis on Children with Disabilities in Bangladesh" (p. 59)

<https://www.unicef.org/bangladesh/sites/unicef.org.bangladesh/files/2018-10/SA-disability%20report.pdf>

military itself. The Constitution stipulates provisions for all executive authorities to assist the BEC in the discharge of its functions.

There will be more than 600,000 polling officials, mainly officers of government, semi-government and autonomous organizations and teachers, to conduct the elections. Each polling center will have between eight and 10 security personnel, who are technically under the direction of the BEC during the election. In addition to law enforcement agencies, the BEC has requested the assistance of the Bangladeshi military and border guard five to 10 days before the election.

## **Will there be out-of-country voting?**

Although it is estimated that the Bangladeshi diaspora includes more than 10 million citizens of voting age, Bangladesh has no provisions for out-of-country voting.

## **Who can observe during Election Day?**

According to the Representation of the People Order, the Bangladesh Election Commission (BEC) may give accreditation to “any person, whether national or foreign, as an election observer who is in no way associated with or affiliated to, any political party or contesting candidate and who is not known for his sympathy, direct or indirect, for any particular political ideology, creed or cause or for any manifesto, program, aims or object of any political party or contesting candidate.”<sup>8</sup>

Domestic organizations planning to observe the election must be recognized by the BEC. Observation status is valid for five years, but the BEC may cancel an organization’s observer status. Those planning to observe the election must submit accreditation requests on an individual basis as well. Very recently, the BEC has announced rules for domestic observers and organizations prohibiting the use of cellphones and cameras inside polling stations, and barring observers from reporting irregularities to any other authorities or the media. Violations can lead to cancellation of the organization’s registration.

## **When will official results be announced?**

The Representation of the People Order (RPO) does not provide exact timeframes for the publication of results. These dates are normally announced in the election schedule before each election. In the past, official results have been published within a week from Election Day in the Official Gazette. Starting in 2008, the Bangladesh Election Commission began to publish constituency results on its website.

## **How will election disputes be adjudicated?**

The Bangladesh Election Commission is responsible for preventing and addressing election complaints as part of its mandate to conduct elections fairly and freely. Election complaints investigation and adjudication is provided for in the electoral law. There are no rules specifying the filing process or detailing the investigatory and decision-making process when an election complaint or appeal is filed.<sup>9</sup>

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<sup>8</sup> The Representation of the People Order (RPO), 1972. Article 91C.

[http://bdlaws.minlaw.gov.bd/pdf\\_part.php?id=424](http://bdlaws.minlaw.gov.bd/pdf_part.php?id=424)

<sup>9</sup> IFES, 2013. “Election Dispute Resolution in Bangladesh: Assessment and Recommendations for Reform”

The chief justice of the Supreme Court appoints one or two benches of the High Court to adjudicate petitions against election results.

## **What are the campaign expenditure limits and disclosure requirements?**

For parliamentary elections, every candidate is required to submit details on the source of funds to meet election expenses (Form-20) and a statement of assets and liabilities, annual earnings and expenditures (Form-21), along with a copy of their income tax return (if the candidate files income tax) along with the rest of the required nomination papers to the returning officer (RO).<sup>10</sup> A copy of Form-20 and Form-21 must be sent to the Bangladesh Election Commission (BEC) by registered post at the time of their submission to the RO.<sup>11</sup>

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 29,000) as long as they do not exceed BDT 10 per voter.<sup>12</sup>

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.<sup>13</sup> A copy of the return must be sent to the BEC by registered post.<sup>14</sup> If a candidate fails to submit the return, he or she will face two to seven years of imprisonment and a fine.<sup>15</sup>

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<sup>10</sup> Clauses (1) and (2) of Article 44AA, RPO.

<sup>11</sup> Clause (3) of Article 44AA, RPO.

<sup>12</sup> Clause (3) of Article 44B, RPO.

<sup>13</sup> Clause (1) of Article 44C, RPO.

<sup>14</sup> Clause (3) of Article 44C, RPO.

<sup>15</sup> Article 74, RPO.



## Resources

- [Constitution of Bangladesh, 1972](#)<sup>16</sup> (Articles 118-126 and 17th amendment for women’s reserved seats)
- [Representation of the People Order, 1972](#)<sup>17</sup>
- [Delimitation of the Constituencies Ordinance, 1976](#)<sup>18</sup>
- National Parliament (Reserved Women Seat) Election Act, 2004
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- Electoral Rolls Act, 2009
- Independent Candidate (Verification of Support) Rules, 2011
- Electronic Voting Machine Rules, 2018
- National Democratic Institute (NDI), October 12, 2018. “[Statement of NDI’s Pre-Election Assessment Mission to Bangladesh’s 2018 Parliamentary Elections](#)”<sup>20</sup>

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<sup>16</sup> [http://bdlaws.minlaw.gov.bd/pdf\\_part.php?id=367](http://bdlaws.minlaw.gov.bd/pdf_part.php?id=367)

<sup>17</sup> [http://bdlaws.minlaw.gov.bd/pdf\\_part.php?id=424](http://bdlaws.minlaw.gov.bd/pdf_part.php?id=424)

<sup>18</sup> [http://bdlaws.minlaw.gov.bd/pdf\\_part.php?id=514](http://bdlaws.minlaw.gov.bd/pdf_part.php?id=514)

<sup>19</sup> Amended on October 31, 2018.

<sup>20</sup> [https://www.ndi.org/sites/default/files/Bangladesh PEAM Statement Oct 2018 0.pdf](https://www.ndi.org/sites/default/files/Bangladesh%20PEAM%20Statement%20Oct%202018%200.pdf)