

Investigating the ways of supervising the election costs in the laws of Iran and other countries

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ABSTRACT

Financial supervision on the elections is one of the mechanisms governing the soundness of them. Financial supervision on the elections has been predicted in the regulations of most of the advanced countries for controlling the advertisements by the candidates, election costs and anything that is directly or indirectly related to the election costs. The necessity for financial supervision on the elections is revealed in that the spending of colossal amounts of money by some election candidates or their political parties' fans and others occasionally wonderfully influences the result of the elections. Corresponding to the act 99 of Iran's constitution, supervision on the election is the duty of the council of guardians but it seems that Islamic Republic of Iran's election regulations regarding the financial supervision on the elections is weak. The present study investigates the supervision on the election costs in the election system of Iran and it was compared with the financial supervision on the elections in countries like England and France. Based on the present study's findings, it has to be stated that there is a need for more comprehensive election regulations regarding the financial supervision on the elections.

Keywords: elections, financial supervision, council of guardians, election system, Iran's laws

Introduction

Elections is one of the essential pillars of democracy actualization in the governments and it is considered important due to the equal conditions for the people's active participation in the determination of their destiny. Election is the best method that provides the people with an opportunity to reach their intended optimums. However, the achievement of these optimums is in need of awareness which is given often by the advertisements made by the candidates of the intended post's tenure and it is nearly one of the inevitable parts of every election period specified for the election candidates' winning of the people's votes.

In general, the "clean election" is a concept proposing a vivid necessity in the election laws. This concept emerged in coincidence with the peaking and immethodical increase in the election costs and expenditures in most of the countries around the globe. It is evident that the increase in the election expenditures is the immediate result of the increase in the money accumulation operations or, in more common terms, the product of the immethodical increase in the processes and resources of financial supply to the political parties and candidates. Although the existence of money is necessary even for performing a minimal political competition, its immethodical influence in the political competitions causes the election that has to be the credible conduit of the political power transferring in a democratic government to be corrupted and, meanwhile wasting huge and colossal sums of money, make its soundness undergo flaws. Although a brilliant history has been recorded for the election provisions in the legal system of the Islamic Republic of Iran, no appropriate measure has been taken about the expenditures of the election campaigns and

advertisements. On the other hand, the Islamic Republic's election system differs from the elections in the other legal systems in that the former is deprived of the organized and campaign-oriented parties' presence and the reliance is mainly on the candidates than the political parties and this has caused such a subject as the controlling of the expenditures of the political parties' election advertisement which is exerted in the other countries not to be welcomed in our country.

In most of the election regulations and constitutions as well as the international documents, we are bearing witness to the public, general and equal voting right and efforts have also been made for removing the shortcomings related to the election and enhancement of its efficiency. In the system based on the rule of law, the optimal supervision is the legal supervision and anything other than this is in clear contradiction to the rule of law. The election regulations of Iran are weak in three aspects in regard of the legal supervision on the financial issues of the election:

- 1) Weakness in the supervision on the costs spent on the advertisement
- 2) Weakness in the supervision on method of spending the financial resources by the candidates
- 3) Weakness in supervision on the sources of these costs' supply

The correct supply of the candidates' advertisement costs plays an important role in the soundness of the election system as well as prevention of the financial and political corruptions following the acquiring of the intended tenure. The principles governing the advertisement account for a significant part of the election regulations but the political regulations on elections have not paid sufficient attention to the supervision on the financial aspect of the election campaigns in the Islamic Republic of Iran and this brevity and inadequacy includes both the non-determination of a roof for the advertisement costs as considered in the election regulations of most of the countries and the low attention paid to the supply sources of these costs.

In an article titled "a comparative introduction to the financial resources' supply to the election advertisements in Iran, France, Russia and the US" and meanwhile analyzing and elaborating the necessity of proper supplying of the financial resources and determination of the roof of the election advertisements' costs through comparative study of the election laws in France, Russia and the US, Ahmadvand and Saber Mahani (2015) offered solutions for improving the financial soundness of elections. In an article called "comparative investigation of the political parties and elections", Nejabatkhah (2010) dealt with the financial supplying of the political parties worldwide and it has been found out that the financial supply of the political parties is a function of the general inspection regulations and specialized auditing in the elections.

Thus, based on the abovementioned materials, it can be stated that a proper legal pattern can be offered for the election costs through the study of the other countries' rules and regulations and the expansion of corruption and discrimination in this domain can be prevented by studying the executive policies and patterns of the other countries and creating limitations on spending the election campaigns' financial resources. The present study seeks finding an answer to the question as to whether financial supervision mechanisms, including the administrative, judicial and parliamentary supervision, can be applied in this area or not?

Study Method

The present study has been carried out based on an analytical-descriptive method as well as through referring to the library sources in such a way that the relevant sources were seminarily identified and studied and notes were taken from them; secondly, the discussions and topics were classified to analyze the legal perspectives and, eventually, the required conclusion was made.

Information Gathering Method and Instrument

Note-taking and the information banks are the method and the instrument of the data collection in this research.

Data Analysis Method

After proposing the subject, use will be made of the data analysis of the qualitative type and, considering the study's nature, the study method and study hypotheses, the documents and evidence gathered in written form will be interpreted and explained in a rational manner meaning that use has been made of the statistical-subjective analysis as well as the subjective-philosophical method herein in this regard.

Foundations of Supervision in Iran's Jurisprudence and Law

"Supervision" is amongst the most important and most complicated concepts in every institution and organization and, generally, in every political and social system and it is unbrokenly associated with the social responsibility.

In legal terms, supervision includes inspection, assessment and evaluation of the executives' interventions and the supervisor is the person who is appointed for inspecting the things generally defined as being in need of evaluation and survey (Amid Zanjani, 2009).

Investigation of the supervision concept can be rendered feasible in two jurisprudential and legal aspects. Although these two aspects overlap due to Iran's Islamic law system and they can be both considered under two jurisprudential and legal aspects, supervision can be classified from various perspectives one of which is supervision's classification into two general sets of the governmental supervision and the people-driven supervision with the former being further dividable into various kinds like organizational, hierarchical, judicial qualitative, administrative, financial, political, parliamentary, internal, external, formative and continuous, case-specific posterior and anterior and process-oriented and approbatory supervision and the latter being also further classifiable to kinds like public thought, political parties and communities' freedom, the press and media freedom and some other supervision types (Amid Zanjani, 1999, p.61).

The Necessity of Supervision on Elections

The philosophy of supervision on elections is the prevention of unhealthy competition between the applicants as well as prohibition of the violations and faults by the holders of election and safeguarding of the people's votes in areas that the law enforcers' violation, mischievousness and fault is deemed likely. In the general laws, as well, supervision is of a great importance. The constitution has predicted the required supervision for the three power branches of the country; the Islamic Consultative Assembly financially supervises the three power branches through the country's general inspection organization (act 174 of Islamic Republic of Iran's constitution). Although the duties of each of the three power branches have been clearly expressed in the law, this does not repel the importance of the supervision on their interventions and the law has posited supervision for the creation of balance and equilibrium in power and prevention of the contingent misuses or faults. This is while the country's three power branches are independent from one another.

Supervision on the Election Costs in Iran's Election System

The election law of Islamic Consultative Assembly has set limitations and constraints for election advertisement and it seems that their domain goes a lot beyond the permissible affairs. Globally, the legislators try only specifying the frameworks and be careful about some administrative depravities. However, they do not prevent the candidates from taking advantage of the legitimate election advertisement ways (Butler, 2006, p.210). Iranian legislator has also delineated prohibitions for the candidates' election advertisement as explained in the following words: prohibition of using any sort of placard, poster, graffiti, banner and fabric advertisement; any sort of annexation of declaration letters, image and so forth; advertisement on the national TV and radio, formal and governmental communication means used by the staff members during the work hours; the instruments and facilities of the ministries, governmental firms and the institutions affiliated with the municipalities and their associated companies and institutions as well as the foundations that may use the public budgets for any amount; and, advertisements through the institutions the properties of which belong to the general public as well as the journals and the press belonging to them (article 59 of the congress election law). There is evidence indicating the prevention of using the governmental resources for the candidates having access to these resources. These articles contain positive points in regard of the Iranian legislator's attention to the impermissible governmental resources

that cannot be equally used by all the candidates. However, they lack the deterring executive guarantees and sanctions. Probably, one of the goals of inhibiting some of these advertisements is the reduction in the cost of the election advertisements. However, this limitation is at odd with the philosophy and spirit of the election advertisement which aims at the dispersion of information to a vast spectrum of audience (Kavakebian, 2004).

This objection also holds true for the article 63 of the parliament's election law. This article stipulates that "the election advertisement headquarters can be only established in the capitals of the sections, cities and counties. In large cities, a place can be used in every municipality division or district as the election headquarter". This constraint has been possibly set for indirect controlling of the candidates' election costs. Furthermore, we are bearing witness to the demarcation of the election activities' time in the election law of Islamic Consultative Assembly with reduction of the advertisement costs being perhaps one of its goals in which case the difficulty in enforcing the law has rendered the goals' accomplishment difficult because many of the candidates start their advertisement activities even a year ahead of time in the form of speech in the political and social gatherings, charitable actions and so forth and, in confrontation with the question that why they have not waited till the arrival of the right time, they claim that these activities are not related to the election advertisements and campaigns. It was made clear that the Islamic Republic of Iran's legislator has been sensitive to the costs made by the candidates but, in lieu of the direct confrontation with the issue, it has faced the various forms of extremism.

Not only this issue has not been taken into account and encouraged in the law of the congress's election but also any sort of advertisement activity has been explicitly prohibited before the formal declaration of the candidates from the TV and Radio and the perpetrator is considered as a criminal (article 59 of the congress election law) while the legislator could declare the identical use of the TV and radio in a lawful manner as being permissible for the candidates.

Financial Supervision by the Guardians Council

Corresponding to the Act 99 of Islamic Republic of Iran's constitution, "guardians council has the duty of supervising the elections of the leadership experts, presidential, Islamic Consultative Assembly's representatives and referral to the public votes and referendum". Supervision on the elections does not just include the investigation of the election complaints and objections and it can also incorporate monitoring the soundness of the election flow.

Iran's constitutional legislator has not specified the circle and type of the guardian council's supervision on the election and this issue has led to vast debates about the limits and quality of the guardian council's supervision. In respect to this silence, article 3 of the law on the Islamic Consultative Assembly's elections, passed on 28th of November, 1999, stipulates that "supervision on the congress's elections is the duty of the guardians council. This approbatory supervision is general and flowing in all the stages and all the affairs related to the current elections".

An interpretation of the method of the guardians council's supervision signifies the disciplinary nature thereof. In this type of supervision, the supervising authority is unbiased and, matching the interventions and decisions of the executives with the law, it acts like a court in line with the investigations and makes reasoning and substantiates on the law articles to issue a sentence without caring for the possible consequences (Hashemi, 2003, p.82).

In case of accepting this interpretation, the guardians council will not be able to exert any financial supervision on the elections due to the absence of any law in this regard. However, there is another perspective that can be posited in this regard: "now that the guardians council has so far not made any intervention in line with the exertion of financial supervision on the elections based on its vast interpretational jurisdiction as stipulated under the act 99 of the constitution, it is appropriate for the Islamic Consultative Assembly to enact appropriate regulations thereby to remove this shortfall" (Gorji, 2010, p.384).

Election Crimes Prevention Workgroup

The other institution that might seem to be able to exert supervision on the financial issues of the elections is the election crimes prevention workgroup which is formed based on the judiciary head's directive during the election days under the supervision of the judiciary's crime prevention vice chancellorship and its duty is notification and debriefing, guidance and persuasion of the general public as well as the real and legal persons, managers of the executive organs, formations, candidates and heads of their election headquarters with the objective of aligning, deterring and promoting lawfulness through explicating and explaining the contents of the law on the election crimes and the specified punishments.

Financial Supervision on Elections by Islamic Consultative Assembly

In Act 93 of Iran's constitution, this approval of the credit letter of the representatives having found a way into the congress has been pointed out but no reference has been made therein to the nature and rituals and method of investigating the representatives' credentials. Principles related to the rule of law imply that the investigation should be based on the elections' law in terms of both the elections' qualification and match between the election operations or legal regulations (Farhadnia, 2008). The regulations related to the congress representatives' credentials have been stated in the articles 65 to 74 of the law on the internal procedures of the Islamic Consultative Assembly but they have just dealt with the investigation of the credentials and they not only no condition has been set for the justification of the objection in the text of law but also article 68 of the congress's internal procedures explicitly states that "the divisions' reports on the confirmation or rejection of the credentials are read in the congress without mentioning the proofs". Not mentioning the proof is objected in that the investigation of the representatives' credentials are consequently become qualified for a political, instead of judicial, aspect but the shortcomings of the elections law might be possibly compensated regarding the supervision on the candidates' spending of money and the financial supplies of the costs. Although this solution is in a large distance from the favorability of the legal investigation with the fair trial scales and the investigation of the congress representatives' credentials is a judicial matter from the perspective of many and considering the principle of the power branches' separation, the legislative assemblies essentially lack the qualification for such an investigation and only the judicial authorities can do so (Shahmari, 2008, p.634).

It seems that the best aid the congress can provide in line with rendering the election setting more sound and healthier is the enactment of the correct regulations in this regard. The election legislator should criminalize all the behaviors (performance or non-performance) that lead to the violation of the citizens' well-recognized rights in all the election stages and stipulate the proper legal sanctions for them (Taghizadeh, 2013, p.31). of course, designing and determination of the election violations and crimes in an unjustified and irrational manner that would limit the citizens' election rights should be avoided (Qari Sayed Fatemi, 2009, p.131).

The Methods of Supervising the Election Costs in Iran and Other Countries

Determination of a Roof for the Election Costs

Falling short of determining a roof for the advertisement costs and absence of the financial transparency in this regard flaws the holding of sound elections and paves the way for the misuses by some candidates. By determining the exact amount of the money allocation for every candidate to the election campaigns, the judgment by the society's public thoughts would prevent a candidate from spending more money and his or her victory in the election only for this same reason; additionally, the exercising of deficiency and excess that has been prohibited in the constitution (paragraph 6 of Act 43) would be deterred.

Determination of a Roof for the Election Costs in France's Laws

Article 1152 of the comprehensive elections law of France has set a roof for the costs made by the candidate and this roof is associated with and updated according to the population in the election center. Based on this article, "a maximum rate has been determined for the election costs made by the candidates in elections. This maximum rate has been set according to the number of residents in each election domain: maximum rate of money spent by the congress representatives during elections is 38000 Euros per every

candidate. For every resident, 15% of a Euro is added. This maximum rate is updated once every three years in an enactment by exerting the index of life cost according to the national statistics institute and the economic studies”. Article 52-8 stipulates that “the gifts presented by completely specified real persons for the supplying of the election budget to one or several candidates in a single election should not exceed 4600 Euros and the sum of the cash gifts given to the candidates cannot exceed 20% of the sum of the allowed costs at the time that such a sum is equal to or more than 15000 Euros following the enforcement of the article 52-11” (France’s election law, p.34).

Determination of the Roof of Election Costs in the Laws of Russia

In Russia, the roof set for the candidates’ election costs is 700 million rubles. It is notable that essential guarantees are made in regard of the citizens’ election rights in Russian federation for participation in referendum according to the article 52-8 of the law passed in 2002 by Duma Congress which also states that this roof includes the costs directly made by the candidate as well as the aids made by the real persons supporting him or her or by the other political parties or groups formed for his or her support in a bank account separate from his or her personal account”.

Roof of the Election Costs in the US Laws

In the US, the maximum limit of assisting the candidates has been stated in the law on bipartisan election campaigns passed in 2002. In section 307 of this law, 2000 dollars per every candidate has been specified as the limit in every election. In the section 102 of the limit of aid to the state party committee, this amount is up to 10000 dollars per year; and, in part 307 of the limit of aid to the national party committee, this amount has been stated to be 25000 dollars per year. It has also been stated in the section 307 on the limits of the sum of aids, 95000 dollars in both of the two-year turns has been specified. In section 304, as well, the limit for the loan repayment up to 25000 dollars has been stated. The foresaid values are the general aids and money sums that can be spent on different elections. There is also set special limits for aiding the candidates of the senate (Bipartisan Campaign Reform Act, 2002).

The notable point is the limitation of the real or legal persons’ aids to the candidates or the political parties. It can be guaranteed in this way that the election’s selected persons are truly the people’s choice not the product of the investment by the wealthy individuals who intend to benefit from the activities of the elected person. Limitation of the candidate supporters’ aids is also an effective strategy for preventing the bypassing of the law and evading the responsibility of spending excessive amounts of money. In the US, money-spending by an individual other than the candidate or the political party is envisioned as a cooperation in case of having been coordinated with the candidate or the political party. This condition has been set for preventing the autonomic spending of money by the supporters which would otherwise bring about violation and liability for the candidate and it is a positive point but it has limitations regarding the justification load of this coordination or non-coordination (Bipartisan Campaign Reform Act, 2002).

Exertion of Limitation on the Method of Spending Money in Elections

Determination of the allowed ways for spending election budgets is effective in line with the achievement of sound elections and prevention of the sorry phenomenon of the vote transaction which has been prohibited in the election regulations of most of the countries but some countries have thought about strategies for preventing it.

Exertion of Limitations on the Method of Spending Money in Elections in the US

In the part 301 of the US’s bipartisan elections law, the prohibition of the personal use of the election campaign’s financial resources has been stipulated. The candidate might come to this conclusion in certain stages of the election that s/he would not come out as a victor and it is better for him or her to spend the election-dedicated sums on other personal purposes. Prediction of the candidate’s prohibition of spending the election sums for other personal things causes prevention of the breach of trust by the candidates (bipartisan campaign reform act, 2002).

Exertion of Limitation on the Method of Spending in the Elections of Russia

Article 59 of the Russian law on the essential guarantees has determined the method of spending the election sums: according to the first paragraph of this article, the administration of the elections' financial resources should be assigned to the candidate or the election associations that have created this budget. However, such an assignment is not unprincipled. Amongst the criteria of this issue is the paragraph 3 of this article that announces the allowed cases of the use of the elections' financial resources: financial support for the organizational and technical interventions with the goal of the signature collecting from the voters; election campaign and payment for informing and counseling services; paying for the services carried out by the citizens or legal persons and paying for other costs in a direct manner in relation to the holding of the election campaigns; election deposits and so forth. Of course, codification of methods of costing has not been clearly undertaken in this country and there is a possibility of the misuses thereof though the extreme delimitation of these constraints is followed by such a flaw as the adventitious constraining of the candidates' range of freedoms in the use of these effective and useful advertisement methods.

Limitations and Prohibitions of the Election Costs' Resources

Determination of the sources of the election costs' supply is the most important step in line with rendering sound the election activities' space. Some articles of the France's comprehensive elections law has accepted the supply of the transparent governmental resources for the candidates' advertisement costs and reduced the candidates' dependency on the private sector's costs (Shahmari, 2008, p.634).

Limitations and Prohibitions in the Resources of the Election Costs in the US Laws

In the US, the congress enacted the bipartisan campaign reform act in 2002 so as to remove the concerns about the money sums with unknown sources in the elections. This law has specified limitations for the use of these money sums in such a way that the national political parties, candidates and authorities can only have a limited participation in levying money for elections. These regulations also have limitations for the companies and unions that intend to influence the results of the US's federal elections by financial sponsorship and advertisement. In this country, no individual has the right to financially participate with the candidate and acquire money from the US's budget or any foreign person or institution. The most important point seen in this law is the separation between the soft and hard money types. These terms have been coined for pointing to the political aids in the US that can be directly paid to a given candidate (hard money) or indirectly to the political parties and committees (soft money). When the cash money is directly paid to a political candidate, it is realized as the hard money. This aid may be made only by an individual or a political undertaking committee and it has to be subjected to the serious limitations (Shahmari, 2008). According to the part 323 of the bipartisan campaign reform act, passed in 2002 by the US congress, a national committee or a political party cannot generally demand financial aid and gift or money transfer or any property conveyance and/or spending of any money sums not included by the limitations, prohibitions and requirements of this law. However, candidate has not been prohibited from the presence and speech in the ceremony on the collecting of the gifts allowed under this law. Based on this law, the individuals' demand for aid has not been prohibited (in case of the collected gift's not exceeding 20 thousand dollars in one year).

Limitations and Prohibitions of the Election Cost Resources in the France's Laws

As for the use of the governmental budgets in the election system of France's Republic, efforts have been made to help all the candidates enjoy equal facilities predicted by the government. In this country, the government vividly takes part in paying for the costs of the election, paper, printing and distribution of the advertisements and notifying about the notions of the candidates, costs of the paper, printing and appending of the posters and also the costs stemming from the groups' activities (Bozorgmehri, 2007, p.15). in the meanwhile, there are also limitations on the use of these resources so that a group might not enjoy a superior advertising situation by taking advantage of the governmental facilities (article 50) (France's election law, 2012, p.36).

Amongst the other prohibitions in France, the article 52-8 can be pointed out: “legal persons except the political parties or groups cannot take part in supplying budget for the election campaigns of the candidates and/or provide them with gifts under any title and/or provide them with properties, services or the other direct and/or indirect privileges for a price lower than the common price of them; no candidate can directly or indirectly participate for acquiring money or receive material aids from the foreign governments or a foreign legal person”. In addition, a candidate can resort to the declaration in the press for requesting the allowed material aids.

Limitations and Prohibitions in the Election Costs’ Resources in the Laws of Russia

Article 9 of the law on the Russia’s essential guarantees in the election rights states in regard of the supplying of budget to the representatives of Duma Congress that “the candidates, political parties and the election groups should specify and determine the financial supply sources of their election campaigns. Paragraph 5 of article 58 allows the formation of election funds by the candidates as the supply source for their campaigns:

- 1) The election association or the candidate’s his or her own money
- 2) Sums allocated by the election associations that have nominated him or her
- 3) Voluntary financial aids by the citizens
- 4) Voluntary financial aids by the legal persons
- 5) Money sums allocated by the corresponding election commission to a candidate or an election association

In the cases stipulated in the law, particularly paragraph 6, the unallowed financial aids are the followings: financial supply by the foreign countries and the foreign legal persons, foreign citizens, individuals without citizenship, citizens of the Russian federation who have not reached the age of 18 on the voting day, the legal Russian persons with foreign partnerships if their foreigners’ share of their capitals exceeds 30% as mentioned in their charter, international organizations and public international movements, body of the governmental power and the local autonomic governments, legal persons with the capital shares in the governmental and municipality organizations and institutions for above 30% as stated in their charters; when the government and/or municipality has a share for more than 30% of the legal entities’ shares; the organizations created by the governmental institutions and municipalities and the military institutions and organizations as well as the law enforcing authorities, charity organizations and religious associations and also organizations created by them; legal persons registered one day before the election, anonymous donors, i.e. the individuals whose information do not show their identity or shows wrong identity for such a reason as the wrong insertion of their family names, their names and fathers’ names, the addresses of their living place or a legal institution the taxpayers of which have not mentioned the bank name or the bank information or have mentioned it mistakenly” (Bozorgmehri, 2007, p.16).

Governmental aids for supplying the election expenditures of this country as ruled in paragraph 4 of article 8 which guarantees the equal access to the mass media for the election campaigns of the registered candidates as well as part 18 of the article about the dispersion of the information related to the candidates’ expenditures.

Creation of the Election Funds or Election Bank Accounts

The aforesaid supervisions need concentration of the election budgets in a special account or a given institution belonging to the candidate. Appointment of a financial representative assists the candidates in administrating their financial issues in respect to the regulations. Although it is necessary that the final responsibility of the contingent contradictions between the financial supplies and the regulations is with the candidate, liquidation of the sums not spent from the election funds is another solution for guaranteeing the use of the citizens’ presented aids for the specified purpose.

Creation of the Election Fund or Bank Account in the Laws of France

In France, as well, the candidate can only receive financial aid from the financial representative. Article 452 of the comprehensive election law has explained about the appointment of a financial representative and his or her duties in the following words: “every candidate appoints a representative for the elections. This representative (lawyer) can be a financial election association or a legal person known as the financial representative who can commonly serve several candidates”. The aforesaid representative records the sums allocated to the election campaign. S/he makes up for the costs allocated to the election until before the voting day based on the expenditures vividly made by the candidate or in his or her favor by him or her and records them as exerted in his or her bank or mail account. The content of the financial documents issued by the financial representative or the financial election association of the candidate has been specified in article 52-9: the issued documents and evidence should be expressive of the candidates who have received the financial aids, the collected sums as well as the names of the associations and the dates at which the associations have come to existence or the names of the financial representatives and the dates they have been appointed. The aforementioned documents should express that the candidate can only receive the gifts and financial aids through the association or the aforementioned representative” (Bozorgmehri, 2007, p.17).

Creation of an Election Fund or a Bank Account in the Laws of Russia

In Russia, candidates are obliged to withdraw from the election funds for compensating the election campaign’s costs (part 5 of article 48 of the law on essential guarantees). Moreover, election campaign in favor of a candidate by borrowing money from the other candidates’ election funds is prohibited and, according to paragraph 5 of article 59, the citizens and the legal persons are allowed to only provide financial (money) sponsorship for a candidate or an election association through the election funds. Without written satisfaction of the candidate or his or her authorized representative for doing the financial affairs, it is prohibited to perform tasks for which money is given or sell products or offer services that are directly or indirectly related to the elections and money is paid for them (Shahmari, 2008, p.637).

Legal persons have been prohibited from performing any task, offering any service, selling any product related directly or indirectly to the elections in a gratuitous manner or for an insensibly low rate with the goal of obtaining a special result in elections. Of course, citizens can voluntarily and personally provide services without interaction with any third person or take actions in line with the election holding and advertising.

Article 58 expresses the method of establishing election funds. In order to arrange the financial issues of these funds based on this part of the article, “the candidates and the election associations have the right to install permitted representatives for the financial affairs”. In addition, based on paragraph 11 of this article, “every election candidate should open a bank account for arranging his or her financial affairs immediately after registration and any financial aid should be solely deposited into this bank account”. Paragraph 12 of this article, as well, has stipulated that “the method of establishing and maintaining the aforesaid account and keeping a record of the financial resources’ history of the election and reporting of such resources in the elections of the federal institutions should be as ordered by the central election commission of the Russian federation and with the agreement of the Russia federation’s central bank.

Auditing and Legal Sanctions

Various countries have predicted provisions for final supervision on the accuracy of the abovementioned activities’ trend in the regulations and made them governing the enforcement of the election regulations through various legal sanctions.

Auditing and Legal Sanctions in the Laws of the US

The supreme court of the USA figured out in Buckley case that the bipartisan campaign reform act is in match in terms of the regulations of this law about the money sums with no specified source with the constitution and confirmed that prevention and revealing of the corruption are the only permissible justification for the regulations about the election advertisement costs that has convinced the congress to make a decision about these financial resources (Yasmin, 2006, p.268).

Auditing and Legal Sanctions in France's Laws

Article 128 of France's comprehensive election law stipulates that "the individuals who have not delivered the report of their election campaigns' costs under the specified conditions and during the specified term and the individuals whose election campaign's costs have been rejected according to the law as well as the individuals whose election costs exceed the specified roof would not have the qualification for reappointment for a year".

The investigation of these affairs is carried out by the national commission of the election campaigns' accounts and political budgets; the necessary credits and consumptions for this commission are specified in the budget of the aforesaid commission's activities and they are continued following the verification of the political post by the candidate. Article 1351 of France's government general laws has rulings in this regard. Regarding the declaration of all the representative's assets and possessions in the beginning of the verification of his or her political position as well as in the end thereof, the comprehensive election laws of France stipulates that the commission related to the France's election law should declare its position and base and acquire records of the candidates about their inheritance situation and so forth through making them pledge to their honor and exercise honesty; it specifically stipulates that "the representative is obliged to deliver a report about all his or her properties as well as his client's properties or undivided properties to the commission within two months after its initiation of its activities for financial transparency purposes". Confidentiality of this report has also been guaranteed in article 1352: "the delivered declarations can be revealed only through explicit request of the person issuing or owning the declaration or other individuals with such a right or with the request of the judicial authorities in case that its information is necessary for resolving a lawsuit or for the discovery of the truth" (France's law of elections, 2012, p.39).

Auditing and Legal Sanctions in the Laws of Russia

In Russia, the supervision on the observance of the election's financial regulations is carried out by the central election commission. Its rulings can be found in part 9 of article 59 in the law on "the essential guarantees": "the candidates or the election associations should provide the aforesaid commission with their financial reports one before voting day and the other at most within ten days after the voting day; the final report should be offered at most 30 days after the announcement of the election results. These reports are indicative of the size of the election's financial fund, all the resources constituting the election's financial fund and all the costs paid through it. The final financial report should be offered along with the initial financial documents signifying the received sums and costs paid from the introduced election funds. Copies of these reports should be issued by the commission at most within 5 days since their reception for the mass media" (Shahmari, 2008).

Article 60 is about the auditing supervision and services by the election commissions. The first paragraph of this article expresses the goals of the creation of such services: "in order to supervise on the correct spending of the financial resources allocated to the commissions for preparing and holding elections and for spending no more than the funds' resources and also for proper accounting and appropriate use of the election budget as well as for auditing the financial documents of the candidates and election associations and additionally for confirming the information offered by the candidates under the title of article 33 of the federal law about the properties, incomes and their resources and also for supervising the return of the allocated budget by the corresponding election commission to the election funds of the candidates and the election associations, supervision and auditing services should be created".

Conclusion

One of the serious concerns of the countries is that their political activists contribute within the format of the political and election competitions to the advancement of the goals of their foreign enemies and become their agents. One solution for ensuring the non-occurrence of such a thing is the clarity of the candidates' financial resources.

In order to prevent the influencing of the politicians by the wealthy individuals, it is necessary to specify a roof for their receiving of financial aids from the real and legal persons. Without the determination of a roof for spending money, there would essentially remain no foundation for supervision and it is better that

the legislator predicts proper punishments for the violators. The legislator also can enact certain regulations to prevent the temporary or permanent presence of the candidates whose violation of the cost roofs has been verified according to the judicial verdicts. Accounts' concentration, inspection and constant and regular supervision on the political parties and groups' financial matters and reaching a final judgment about them, supervision on the amount and method of making the election costs and regular announcement of the reports on the political parties and groups' financial accounts and election costs should be predicted in the law. Strategies should be devised for the identification of those who financially sponsor the candidates. The opening of a specific election account from which money is solely paid for all the election costs is a proper solution for the achievement of this goal. Issuance of a sentence about the financial violations perpetrated by the candidates and determination of the final punishment should be assigned to the guardians council. Of course, this has to be based on the regulations that are arranged in a precise manner.

Undoubtedly, the study of the other countries' successful experiences would be also helpful so that there is provided a possibility for the designing of a native model for rendering sound the political competitions in Islamic Iran more than ever before. Supervision on the election costs made by the independent candidates and the individuals who fall in one list should be carried out by a comprehensive and applied law. The absence of an efficient law in line with the transparency of the financial resources of the election costs has currently caused the sufficiency to the speaking and assertion of ideas in regard of this important issue while speaking does not resolve any problem. Therefore, it has to be stated that Islamic Consultative Assembly and the corresponding institutions should launch a native council in line with tranquilizing and ensuring the public thoughts and take measures in line with the specification of the candidates and political parties and groups' financial resources.

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