Support to the Permanent Electoral Authority (PEA) and local public administration in Romania to implement best practices in electoral processes management

Report on international standards and best practices on electoral financing to promote women’s political participation

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Executive summary

In Romania, public political funding favors women’s candidacies. According to article 14 par. 2 in Law no 334/2006 on the financing of the activity of political parties and electoral campaigns: “For political parties that promote women on their electoral lists, on eligible places, the total amount assigned will be increased proportionally with the number of mandates obtained in the elections by the women candidates.”

Public funding alone is not sufficient to promote women candidates because:

a) women don’t have enough power to control the allocation of funds within their political parties;

b) given the gender gap disclosed by statistics, most incumbents are males and therefore it is much harder for a female challenger to be selected as a candidate or win a sit than for a male incumbent;

c) public subsidies are usually insignificant in compared with donations received and distributed by the central powers within the party, where women candidates are often slighted;

d) it doesn’t usually address costs women uniquely or disproportionately face when deciding to run and campaigning.

Thus, any attempts to neutralize gender disparities caused by campaign finance should target both public and private financing. They should also be legitimate and efficient.

Recommendations:

a) Earmarking public subsidies for the activities of women’s organizations;

b) Gathering gender disaggregated data by monitoring expenditure made by women organizations and female candidates;

c) Granting additional airtime for women during election campaigns;

d) Increasing campaign expenditure limits for women;

e) Including costs such as childcare and dependent care as eligible expenditure for female candidates.
Introduction

“The underrepresentation of women at all levels of office matters both politically and socially. First, studies of female legislators show that women uniquely contribute to the political process and tend to be more supportive of women’s issues than their male counterparts. This body of work also demonstrates that within their respective parties, women place a higher priority and spend more time on equity issues as well as policies related to women’s traditional roles as nurturers and caregivers (Dodson, 2006; Swers, 2002; Thomas, 1994; Wolbrecht, 2002). Women not only vote differently than their male colleagues, but also feel a special responsibility to represent women and work together to advance a collective agenda (Carroll, 2002; CAWP, 2001; Dodson, 2006). Women’s presence in campaigns and public office also signals that public leadership is a legitimate role for women and can inspire women and girls’ political engagement (Atkeson, 2003; Campbell & Wolbrecht, 2006).”

Research Findings on Gender and Political Finance

Campaign finance literature agrees that “lack of economic resources is one of the major obstacles to women’s participation in political and electoral processes. Research has shown that women face specific and diverse economic and financial challenges at various times in their political careers. In recent years, increased resource mobilization has been identified as central to achieving gender equity in the political realm. … (Barreiro, 2004; Barrow-Giles, 2005; Baker, 2006) … An analysis of the relationship between economic resources and electoral processes reveals important differences between women and men candidates. Women’s unequal access to economic resources restricts their engagement in political activities. These restrictions range from women’s exclusion from certain circles of power and moneyed networks, to their own actual economic status, which is documented to be inferior to that of men (Brodie, 1991; CAPWIP, 1999; Ballington, 2003).”

Running for office is made up of three different stages: deciding to run, winning a nomination, and conducting an electoral campaign) and the women’s limited resources affect all three. Since women’s resources are more limited, they are less likely to decide to run. Since their resources are limited, they are less likely to win the nomination and parties are less likely to support their nomination. And thirdly, when they finally win the nomination, their limited resources will make their campaigns smaller compared to male candidates.

According to the WEDO 2007 report, several important findings can be drawn from the

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research:

• Women have less money than men as well as less access to powerful and moneyed networks.

• Men are more likely to become money donors to campaigns, while women are more likely to become time donors, largely due to women’s generally lower income level. With income being the key element determining who gives and how much is given, (both in numbers of donors and number of dollars,) men surpass women (Day and Hadley, 2005:8).

• Providing women with early money for nomination campaigns is key to increasing their potential for raising more money in electoral campaigns and increasing their numbers in elected seats.

• Citing evidence specific to the U.S., but relevant to the larger discussion of gender differences in relation to donors’ activities, Baker (2006:20) corroborates the following:
  
  o Individual contributions overwhelmingly comprise the most important source of financing for all candidates, both women and men.
  
  o The average size of individual donations to most female candidates continues to be smaller than the average donation to male candidates.
  
  o The vast majority of large donors to political campaigns are men.
  
  o Female candidates generally depend upon female donors for financial viability and win monetary support from men only as their odds of election approach certainty.
  
  o The small individual contributions received by females suggest that they must attract far greater numbers of individual contributors than their male counterparts just to equalize the total monetary value of their contributions.
  
  o Women who win raise significantly more money than women who lose, while male winners collect only marginally more money than their losing counterparts.
  
  o Female candidates require more money than men to reach the thresholds of both campaign viability and electoral success; thus, a decline in female candidates’ fundraising and/or funding needs to be interpreted as a decline in their ability to participate in the electoral process.”

  State budget funding of political parties and electoral campaigns affects participation and success of female candidates. According to the WEPO Report, “although public funding favors women’s candidacies, public funding alone may not be sufficient to promote women candidates since they often have less power within their political parties which control the allocation of funds. In the Caribbean potential women candidates usually have to rely on their parties’ funds. It is reported that parties provide little or no special assistance, financial or otherwise, to promote women because they do not see them as necessary to win elections. In Belize, for example, “large donors make contributions to the political party, which in turn distributes that money amongst its candidates. Nevertheless, such amounts are insignificant compared with the large donations received and distributed by the central powers within the party, where women candidates are often slighted” (Selwyn, 2005:166).”

Low contribution limits have a positive impact on the participation of women in elections as well. It has been shown that men are more successful in collecting large donations, but female candidates more frequently collect small donations and volunteer work. “The Center for Legislative Development (Philippines) and the UNDP-Asia Pacific Gender Equality Network suggest that campaign economic limits should be applied to every national and local election, as well as to donations used for “party building,” voter registration, membership campaigns, and payments to party-related “think tanks.” Aside from having a positive effect on women, these measures would also tend to reduce possibilities for the exercise of undue influence on a candidate or party by contributors. For example, in Mexico the law limits the amount of contributions from nongovernmental organizations and bars funding from foreign citizens, religious officials and private businesses. Sanctions include economic penalties and fines, suspension of public funding for parties or revocation of party’s registration. Countries with contribution limits as of 1995 include India, Taiwan, Japan, Israel, Russia, Mexico, Brazil, France, Italy, Spain, Turkey and the United States.”

According to the WEPO Report, public funding and campaign contribution and spending limits have been suggested as mechanisms to ensure more democratic elections. They are expected to help guarantee equitable participation of different social groups in electoral processes, and prevent having only those with better access to economic resources as candidates.

Spending limits, however, can have adverse effect. When an incumbent candidate, often a male, is well known, low spending limits can disable new candidates to adequately present themselves to the voters. When voters are equally familiar with both male and female candidates, then low spending limits can have a positive effect on female candidates.

“Establishing time limits at different moments of campaigning constitutes another measure that works in favor of women. Women’s time availability is not as flexible as men’s, since they are usually committed to spending more time in the domestic sphere. Limiting time with constituencies, party activities, and propaganda exposure will help women to balance their timetables and perform better in their campaigns.”

Incumbency is also one of the factors that impedes women’s access to resources (Burrell, 2005:144, Report, p. 10). Empirical data shows that the incumbent candidate has a great advantage over challenger candidates. Given the worldwide gender gap in elected seats, most incumbents are males and therefore it is much harder for a female challenger to win a sit than for a male incumbent.

**Gender and Political Finance in Developed Democracies**

In developed democracies, there are fewer differences between male and female candidates. Recent research on U. S. elections shows that on national, state, and local level

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5 “Women Candidates and Campaign Finance” Report by WEDO.
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“women do just as well as men when they seek office but fewer women run. Further, of the women who do mount campaigns their backgrounds are quite similar to male candidates, raise comparable amounts of campaign funds, and receive contributions from the same sources.”7 “Research on state and federal elections in United States has demonstrated that women can win at the same rate as men (Thomas, 2005). Women can also amass as much money overall as men, and sometimes more (Burrell, 2005; Hogan, 2007; Thompson, Moncrief, & Hamm, 1998; Werner, 1997). But women also have had a hard time attracting money from traditional sources (Fox, 1997; Ingalls & Arrington, 1991) and may need to appeal to a wider range of alternative contributors like women’s political action committees (PACs) and organizations (Burrell, 2005; Burrell, 2006). Women are also more likely than men to give to women candidates (Baker, 2006), suggesting that women’s campaigns attract a select and generally less wealthy segment of donors. In addition, women have had to rely on a larger number of individual donors and have raised less per donor than men (Baker, 2006; Fox, 1997). The need to rely on more and different types of sources can mean that women must work harder than men to raise similar amounts of money (Jenkins, 2007).”8

International standards

“There is little mention of financial resources and women’s campaigns in international legislation or women’s conventions. CEDAW, the Beijing Platform of Action, the Millennium Development Goals (MDG), the III and IV Summits of the Americas (Declaration of Quebec City [2001] Declaration of Nuevo León [2004]), and the Quito Consensus 2007, all contain some articles that allude to gender equity in political participation and decision-making instances. However, none of them explicitly address meeting the economic and financial needs of women in order to permit them to enter the political and electoral process on even footing with men.”9

There are therefore no specific international political finance rules, which would need to be followed by the countries in order to promote gender equality in elections. According to numerous international legal instruments, however, gender-based discrimination is forbidden and number of good practices have developed in democratic world with a goal to achieve gender equality in political process.10

Good Practices11

10 Moreover, several international organizations are developing international campaign financing standards, with some reference to gender. One of them is International Institute for Democracy and Electoral Assistance (IDEA), based in Stockholm. The other one is IFES, the International Foundation for Election Systems, which is working with a number of international partners to draft and build consensus around a set of global political finance standards.
11 This text is mostly based on Women Candidates and Campaign Finance" Report by WEDO, “Section
This section presents examples of successful campaign finance strategies used by women candidates as well as legislative political finance instruments used to promote gender equality. It should be noted, as it has been stressed in other literature on the subject, different strategies and legal instruments have evolved in different geographical, cultural and political contexts and may not be universal in their application. On the other hand, they do provide valuable examples of “best practices” and “lessons learned.”

Good Practices in Training

Political training for women is the most visible form found in the spectrum of good practices adopted by international donors, women’s organizations, electoral laws, gender equity laws and parties’ protocols and statutes. Training constitutes the most common form of indirect resources destined for women. It is difficult to find overall long- or short-term evaluations that assess the direct impact of training on a) an increase of the amount of women participating in political processes or b) an increase in the number of women being elected. Although it has been difficult to assess the impact that political training has had, numbers reported by The National Democracy Institute (NDI) are persuasive.

In Afghanistan, Bangladesh and Pakistan, NDI conducted training workshops for a total of 3,567 women party activists, candidates, and elected representatives in May 2004. Nine of the 30 Master and Provincial Trainers from Afghanistan ran for parliamentary and provincial council elections in September of 2005; three of these women won seats, and a number of other trainers were involved in supporting campaigns. A number of women trained in Pakistan are serving as local councilors, members of the National Assembly or members of a Provincial Assembly. In September of 2005, four Divisional Trainers in Bangladesh were elected to reserved seats for women in the Parliament. In Bolivia, NDI implemented the Winning with Women candidate training school for women running in the December 2004 municipal elections. Among the participants, 93 women obtained their parties’ official nomination as primary municipal council candidates. A total of 39 participants won their elections.

In Georgia, NDI initiated a women candidates training program in spring 2006. NDI received approximately 400 applications for the program, 141 were trained. In the October 5 municipal elections, 27 of the women trained by NDI sought local office.

Good Practices in Electoral laws and parties

Electoral laws and parties’ statutes are structural components in the democratic development of political processes in any country. They are decisive to the way political appointments are made, electoral seats are voted and won, and political bodies’ compositions are


12 “Women Candidates and Campaign Finance” Report by WEDO, p. 3.
shaped. After decades of women’s struggles to gain political equity in electoral contests, today we know that unless work is also done directly with the parties and state offices that define and control political and electoral processes, gender equity is difficult to reach. Despite some successful experiences, women, unfortunately, have not yet gained sufficient ground. Needless to say, they have not been successful enough at directing economic and financial resources towards women, either within their parties or in national budgets.

Campaign Finance Practices to Decrease Gender Disparity in Elections Laws that attempt to neutralize gender disparities caused by campaign finance often target one of two issues: the costs women uniquely or disproportionately face when deciding to run and campaigning; or political parties’ receipt of public funds.

One way in which electoral laws can promote women’s participation is by giving financial incentives to parties that adopt measures to increase the number of women participating. Penalty inscription fees and taxes or, conversely, bonus reductions in fees can be effective at inducing parties and political collectives to encourage women’s participation.

Child care and domestic responsibilities have consistently registered as major obstacles to running for office. Campaigning requires considerable flexibility on the part of the candidate, which is difficult for women with primary parenting responsibilities. Furthermore, women must consider covering the cost of dependent adult care and household work in their absence. Therefore, in some democracies women can include costs such as childcare and dependant care in nomination and election campaign budgets.

An alternative method for balancing gender inequities in political participation is conditioning the use of public funds by political parties with meeting certain quotas. This strategy has been employed in several democracies where political parties receive public subsidies from the government.

Conversely, other countries have “rewarded” parties that promote women candidates. In some countries, parties with female candidates are provided with more broadcast airtime.

In the following paragraphs good practices from different parts of the world are presented.

**Africa**

The African Women’s Development Fund (AWDF) implements a fundraising and grant-making initiative, which aims to support the work of the African women’s movement. The Fund began grant-making in October 2001; by November 2006, they had awarded grants worth nearly U.S.$5,000,000 to 386 women’s organizations in 40 African countries. COWAN, founded in Nigeria in 1982 as a response to the perceived marginalization of women and their condition of abject poverty, promotes traditional saving schemes by developing an African Traditional Responsive Banking (ATRB). This has allowed women in politics to have access to loans, enabling them to compete with their male counterparts. This strategy has had positive and sustained results at the local level, with rural women making significant gains. During the 1999 election, 26 women were given financial support to run for election.
Europe

In the Nordic countries, Sweden, Norway, Denmark, Finland and Iceland, which have reached and sustained high numbers of women in their parliaments, political parties receive a state subsidy or some form of assistance (e.g. free, equal broadcasting time on TV and radio for campaigns or party-related activities such as research) (Women in Government Source Kit, http://iknowpolitics.org/).

Indirect resources for women’s campaigns can be provided through parties or through national, federal or local governments in various ways: allocating financial resources for gender equality awareness-raising, supporting operative costs for gender equity organisms within the party, or employing functionaries who spend part of their time monitoring and ensuring the implementation of quotas. In Spain, at least one major party has a Gender Equality Office that coordinates different activities with women candidates and supports them in their governmental activities.

In France the Constitution was amended in 1999 to “favor the equal access of women and men to electoral mandates and elected offices and positions”. The parity principle requires that 50 percent of candidates on lists forwarded for election must be women, or political parties face financial sanctions. For local elections in constituencies with over 3,500 inhabitants, the lists must be made up of an equal number of candidates of both sexes; the lists that do not respect these rules are not registered. As a direct result of this provision, in 2001 47.5 percent of the councilors elected in towns with more than 3,500 inhabitants were women. For the election of candidates to the lower house, political parties face financial sanctions if they do not put forward 50 percent candidates of both sexes (Doublet quoted in Ballington, 2003:165).

Croatia provides an additional 10% of public funding to political parties for each elected Parliamentary candidate of the “underrepresented gender.”

Latin America and the Caribbean

In Nicaragua, the women’s commission from the Partido Liberal Constitucionalista created a leadership school for women, and the Partido Frente Sandinista de Liberación Nacional also created mechanisms to work with women’s organizations to train women and organize electoral activities.

García (2004: 158-171) further identifies good practices within Latin American parties that take into account national and international legislation on gender equity/equality. For example, some parties in Costa Rica and Panama have internal regulations that designate financial resources for women’s activities within the parties and electoral processes. In the case of Costa Rica, the national law that promotes social equity, “Ley de Promoción de la Igualdad Social,” enacted in 1990, triggered innovative measures within a number of parties. Based on the legislation, the statutes of all parties designate financial resources for training of women candidates.

In 2002 Panama’s electoral law was reformed to establish subsidies for political parties, of which 25% is earmarked for training activities and 10% for women’s training workshops and
activities. El Partido Arnulfista (The Arnulfista Party) went further, establishing within its internal statutes the designation of 30% of state subsidies to women’s political training. In order to achieve the goal stated in the electoral law, women may use these resources in forums, seminars, congress and other training activities that promote gender equity.

In Chile, legislation promotes women’s political participation by providing financial support for women candidates, establishing a minimum number of women that parties have to include in their lists, and penalizing the parties that do not include the minimum number of women in their lists.

In Haiti, the electoral law requires candidates to pay a filing fee, the amount of which depends on the position being contested, and if the candidate is not from a political party, the filing fee increases tenfold. However, the law permits a party’s candidates discounted inscription fees if at least 30% of their lists are women, and the filing fee is lowered by two-thirds for women candidates representing political parties (Selwyn, 2005:174).

Barrow-Giles (2005:221-223) argues that in Suriname, unlike other Caribbean states, fundraising for elections is centrally organized by the various political parties, and personal fundraising for an individual candidate violates the rules of conduct of the political party. Female candidates in Suriname, therefore, are in fact not adversely impacted by the need to raise large sums of money.

In Suriname and Guyana, the fact that elections are fought on the basis of proportional representation (PR) enables small parties to obtain more funding than is available in states operating without this system Selwyn (2005:162). However, Essed-Fernandes (2007:5) states that for Suriname this is true when small parties seem to have a chance to play a role in forming a coalition government, in which case donors will give them more financial support. In the smaller parties even more than the larger parties, however, women have to be ranked at the top of the party’s list to make a good chance to win.

In El Salvador, parties send money from the party budget to the National Ministry for Women, which uses it for national assemblies for party women, trainings and consultations with women. The parties also have special funds to train their own female members.13

North America

Since 1974, the Canada Elections Act 1974, section 409(1)(b), provides for childcare expenses to be included in the personal expenses of a candidate for election. The Royal Commission on Electoral Reform and Party Financing (RCERPF) in Canada noted that the cost of childcare imposes an unequal burden on many women seeking elected office. Therefore childcare should be considered a legitimate tax deduction. Moreover, the left-of-center New Democratic Party has also implemented a financial assistance program through which women and minority

candidates are eligible for reimbursement of up to C$500 for childcare expenses incurred while seeking a nomination; C$500 for travel costs in geographically large ridings, or regions; and an additional C$500 for costs incurred in seeking nomination in ridings where the NDP incumbent is retiring. The party also allows female and minority candidates three times as much as other candidates for expense funding through the party for the purpose of allowing donors to take advantage of the generous tax credit afforded to parties who run women and minorities (Young, 2005: 137).

Women’s organizations in the U.S. have established political action committees (PACs) to directly finance women candidates. PACs, such as Emily’s List, are organizations that solicit contributions from individuals and redistribute funds to candidates. Many PACs are affiliated with businesses, unions or other organizations, but some—known as non-affiliated PACs—have been formed independent of another organization. One distinct subcategory of political action committees are women’s PACs, which contribute money only to female candidates. This method has become one of the most successful for providing women candidates with early money.

Recommendations

To National Governments (Executive and Legislative bodies):

• National legislation on political campaign finance and parties’ expenditure should coincide with international conventions and agreements that promote gender equity in political participation.
• As governments and parliaments are ultimately responsible for preventing all forms of gender discrimination, any policy or national plan formulation process concerning political participation should include a gender-sensitive finance component that secures the presence of, adequate training of, and monitoring of women candidates and decision-makers.
• Measures supporting women’s effective election, such as legislation in favor of public funding, limits to contributions and expenditures in nomination/election campaigns, and quotas within parties or cabinets, should be included in Constitutional Reforms and secured at the Constitutional level.
• Legislation should establish incentives to support women candidates. For example, the amount of funding or refunding of election campaign expenses should be linked to the percentage of women candidates put forward by each party and/or elected to Parliament. Furthermore, in countries where funding is provided to parliamentary political groups, an additional premium linked to the proportion of women elected should be offered.
• As stated in the Beijing Platform of Action, national governments should keep their commitment to women’s political participation at a minimum percentage of 30% representation.

14 These recommendations were produced during the Women Candidates and Campaign Finance Experts Meeting in Trinidad-and-Tobago, Dec. 2-4, 2007, and published in the WEDO Report, p. 17-19.
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To public bodies that control electoral processes and monitor campaigns expenditures:
• Realistic limits on and “control” of campaign funding and campaign time, both in the nomination and election periods, should be in place.
• Data should be gender disaggregated.
• There should be effective accountability and transparency mechanisms, and information and resources should be publicly available, including data on voting patterns which can be extremely useful to candidates.
• Limits should be placed on candidates’ expenditures, rather than parties’ expenditures.

To political parties (and National Governments, when these standards can be included in the national legislation):
• A gender equity policy should be included in national parties’ statutes, ensuring that women candidates can benefit from an equitable internal distribution of resources. Parties’ resources would, therefore, more equally support the promotion of women running as party candidates, contribute towards women’s nomination processes (during which women often require resources to establish a political reputation, both within and outside of their parties,) and contribute toward electoral processes.
• Parties committed to gender equality should a) ensure equal access to incoming resources for both women and men; b) designate a specific amount of resources for women candidates as an affirmative action; and c) incorporate gender equality criteria into parties’ internal transparency and accountability mechanisms.
• The administration of money designated for a party’s elected candidates should also adhere to gender equality criteria, ensuring that women continue to receive equal support once they assume office.

To women within parties:
• Establishing an effective and functional women’s caucus would empower women candidates and help ensure equal access to the party’s resources, guaranteeing that financial management has a gender perspective.
• Partnering with women’s organizations can provide campaign finance training and help identify key financial issues that women face when running.
• Women within parties or elected parliamentarians who are generally not beholden to big business or unclean money should address the issue of campaign finance reforms. They can, for example, initiate public hearings on the topic and initiate a process of mobilizing public opinion in favor of reforms.

To women’s organizations and networks:
• Campaign finance should be incorporated into the gender equality agenda, bringing attention to the gender-specific needs and financial obstacles women candidates face in different geographical, cultural and political contexts. Campaign finance issues should also be included on
the agendas of international forums, such as the United Nations’ Commission on the Status of Women (CSW) and the Commission on Sustainable Development (CSD), during which gender equity is a cross cutting issue.

- Documenting best practices and presenting women candidates with effective strategies for raising both direct and indirect resources, as well as effective ways to use those resources, should be a part of trainings.
- Demanding and monitoring parties’ accountability mechanisms for campaign expenditure and internal budgets, especially when parties have established budget compromises with women, should be a priority. Developing score cards has been an effective tool, making visible gender differences and identifying politicians that represent gender equity interests.
- Continuing to support elected women to make gender-informed decisions and advance gender campaign finance reform would supplement potential candidates’ indirect and direct resources.
- Highlighting the economic value of unpaid work that women’s organizations devote to women’s political training and candidacies would contribute to the evidence that gender campaign finance reform is necessary.

The Romanian case

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Other Relevant Works on Gender in Campaign Finance


