



## Examining Election Policies of the Islamic Republic of Iran focusing on the transparency in Election Expenses

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### Abstract

In this study, the authors, using a descriptive-analytical method and library research, aim to answer the research question: "What is the position of election expense transparency in the electoral policies of the Islamic Republic of Iran?" According to the research findings, before the enactment of the law on transparency in funding election campaigns and activities in 2019, there was no codified mechanism for transparency in election expenses. Therefore, to achieve this transparency, it was necessary to continue entrusting the issue of general and political qualifications, which the Guardian Council is very sensitive about, to this council. However, regarding the oversight of election expenses, those approved by the Guardian Council should be entrusted to an independent electoral commission, and financial oversight of the elections should be pursued through the formation of a commission or council for monitoring election expenses. After the approval of this law, the expenses incurred by interest groups within the framework of legal resources such as the candidate's personal assets, contributions from parties and political groups, donations from Iranian individuals, and public resources and facilities can be monitored and reviewed through legal channels.

**Keywords:** Elections, electoral policies, transparency, election expenses, Islamic Republic of Iran

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## 1. Introduction

The right to vote and be elected is considered one of the most important political rights of individuals, and elections are a fundamental component of democracy. The interconnection between these two is such that one can say that in a country where elections are held and people are allowed to determine their own destiny, there is certainly some form of democracy (Mazhari, 2016, p. 726). Elections are the true foundation of governmental authority. From this perspective, elections can be seen, on the one hand, as the source of governmental orders and prohibitions, and on the other hand, as a tool for justifying obedience. An appropriate electoral system must be able to establish the best relationship between an individual's legal personality and the right to vote. To achieve this, the scope of citizens' rights and freedoms must be expanded as much as possible to provide the necessary conditions for their choice (Gorji Azandariani, 2010, p. 333). An electoral system is a method and mechanism for converting people's votes into parliamentary seats. The choice of the electoral system has a significant impact on achieving genuine and authentic elections, protecting electoral rights, and forming an effective parliament. The parliamentary electoral system will be effective when it aligns with the nature and structure of the country's political system and ensures competitive and fair elections and the equitable and fair distribution of seats among competitors (Khosravi, 2016, p. 93). With the victory of the Islamic Revolution and the establishment of the Islamic Republic system in Iran, a new chapter in Iran's political history was created, where the principle of popular sovereignty or republicanism was combined

with the principle of divine sovereignty or Islamism in the form of a religious democracy (Tavakolnia et al., 2018, p. 108). The principle of popular political participation in the Islamic Republic of Iran has always been regarded as one of the most important achievements of the Islamic Revolution. The people's nature of this revolution and its reliance on popular support have been evident in all the elections held (Ghaedi, 2006, p. 1). One of the most important issues impacting the holding of fair and acceptable elections is the transparency of election expenses. The transparency of financial resources in elections is a crucial requirement for establishing political justice and realizing democracy because the entry of unclear and problematic financial resources into the election process can result in the election of unqualified individuals and negatively affect the political future of voters. Therefore, in this article, the authors, using a descriptive-analytical method and library research, aim to address the question: "What is the position of election expense transparency in the electoral policies of the Islamic Republic of Iran?" They seek to clarify the electoral policies in the Islamic Republic of Iran with an emphasis on the transparency of election expenses. First, related backgrounds and the nature of the research topic will be reviewed. Then, the concepts and literature of the research will be explained, followed by an evaluation of the research findings, and the conclusion will be presented. The research method in this article is descriptive-analytical and is conducted using library research. In the compilation of the research background and theoretical discussions, as well as the research findings, information has been collected from library sources and document reviews, which include

studying texts, articles, books, and other related materials.

In the following, we will examine some related backgrounds to this research:

Akbari and colleagues (2020), in an article titled "Election Expenses and Freedom of Speech," state: The regulation of election expenses typically creates a conflict between fair elections on one hand and the protection of freedom of speech on the other. Undoubtedly, money in politics has negative effects and consequences that severely impact the health of the electoral system and the equality of electoral candidates. Therefore, controlling and regulating election expenses is essential to ensuring the integrity of elections.

Mostafazadeh (2019), in an article titled "Electoral Systems' Approaches to Determining the Limits, Types, and Sources of Election Expenses with an Emphasis on General Electoral Policies," asserts: Today, it is undoubtedly proven that the financial resources of campaigns and the expenses that candidates incur in election campaigns have a positive impact on the outcome of elections because one of the key advantages of candidates in elections is covering extensive advertising. The supervisory body (Guardian Council), responsible for controlling the integrity and validity of elections as well as confirming the elections, must consider the exigencies of the time and have command over the issues and processes of campaign expenses.

Moshfegh (2018), in a book titled "A Pathological Examination of the Electoral System," states: The election law can be considered, after the constitution, with a little leniency, as a special or fundamental law and is regarded as the most important law that essentially forms

the framework for shaping the destiny of the people of Iran in governing the country's affairs in all aspects under the Islamic Republic of Iran system. In other words, the election law, after the constitution of the Islamic Republic of Iran, is the most important law that, based on it, the administration and various pillars of the Islamic Republic of Iran, which are entirely formed by the vote and opinion of the Iranian people, can be established.

Soleimani Dorcheh and Bateni (2017), in a book titled "An Introduction to the Parliamentary Election Process and Its Oversight," explain issues related to candidates, electoral procedures, campaigns, the rights and duties of candidates, vote collection and counting, complaints about the election process, and the approval of credentials.

Alipour (2015), in an article titled "The Legal System of Elections and the Right to Vote in the Islamic Republic of Iran," argues: Elections are the most prominent tool of citizens' power and the best way to display democracy, which is regulated by binding rules in a hierarchical and longitudinal manner. At the top of this hierarchy is the constitution, which outlines the general framework of the electoral system. Next comes ordinary law, which deals with the specifics of elections and their methods. In the third step, sub-legislative regulations come into play to create the formal conditions for the implementation of ordinary law.

Ahmadvand and Saber Mahani (2015), in an article titled "A Comparative Study on the Financial Resources of Election Campaigns (Study of Electoral Systems in Iran, France, Russia, and the United States)," argue: Proper funding of candidates' campaign expenses

plays a crucial role in the integrity of the electoral system and also in preventing financial and political corruption after assuming related posts. The principles governing campaigns constitute an important part of electoral laws. However, the electoral laws of the Islamic Republic of Iran have not paid sufficient attention to the oversight of the financial aspect of election campaigns. This shortcoming includes both the lack of a ceiling for campaign expenses, which is often addressed in the electoral laws of most countries, and insufficient attention to the sources of funding for these expenses.

Farid (2013), in an article titled "A Study of the Oversight of Election Expenses in the Legal System of Iran," asserts: Elections are crucial issues in every country, both domestically and internationally, involving parties in the electoral process, including government institutions that hold elections and individuals participating as candidates who spend large sums of money in election campaigns. Regarding the expenses incurred by the election administration, i.e., the Ministry of Interior, within the limits of the approved budget for this institution, financial oversight mechanisms, including administrative, judicial, and parliamentary supervision, can be used. However, the legal system faces gaps concerning the expenses that electoral candidates incur.

## 2- Concepts and Literature Review

### 2-1- Elections

Elections, in its literal sense, means selection and choosing. In the Oxford Legal Dictionary, an election is defined as the process of selecting a member of a legislative body through

voting (Martin, 2003, p. 168). Some constitutional lawyers define elections as "a set of operations aimed at selecting rulers or appointing overseers to control the power" and as a technique for selecting representatives, serving as a tool for citizens to exercise their will in governing the country (Gheysari et al., 2015, p. 13). Elections are a social and cultural phenomenon that ultimately has a political outcome. Therefore, for intellectuals, it serves as a good basis for contemplation and reflection. Undoubtedly, what emerges from the ballot boxes is the result of the collective wisdom of a society and can be used as an indicator for various analyses (Darabi, 2009, p. 10). Elections are a decision-making process through which a population selects an individual to hold an official position. Therefore, it can be said that elections are a process through which administrative officials at national or local levels are elected by citizens' votes, considering certain criteria (Rahnavard & Mahdavi Rad, 2010, pp. 15-16). The most important functions provided by elections in democratic systems include delegating political representation, selecting political elites, legitimizing those in power, controlling political accountability, creating political programs, and reshaping the image of public opinion (Wojtasik, 2013, p. 25).

### 2-2- Transparency

In political science, transparency means that by providing information to citizens, the government enables them to be aware of what the government is doing (Rezazadeh et al., 2015, p. 3). Transparency is one of the key concepts in discussions related to corruption and administrative integrity, and it is the most

effective tool for combating corruption to establish an efficient government and create a sustainable society (Hassani & Shams, 2011, p. 99). In other words, the process of transparency facilitates the rule of law and oversight by making various matters open to individuals and public opinion, which are among the most important indicators of the health of a political system and good governance. Today, due to the expansion of political and social awareness and the communication revolution, governments are more compelled than ever to pay attention to these issues (Akhtari & Darabi, 2019, p. 78). To create transparency, it is essential to resort to the principle of information dissemination, so much so that it can be said that transparency is achieved through the dissemination of information, and without it, achieving transparency is an elusive goal (Vakilian & Derakhshan, 2017, p. 231).

### **2-3- Election Supervision**

Supervision, in its literal sense, means overseeing the execution of affairs, and a supervisor is someone who monitors the execution of a task (Moein, 2011, p. 1234). In a technical sense, supervision is a mechanism to ensure that decisions and actions taken conform to superior ethical principles and rights, and to verify their correctness (Khosravi & Hosseini Sadr abadi, 2017, p. 86). Electoral supervision is a concept within public law, including binding and informational supervision, among other forms. It is a process through which the supervisory authority, with the aim of ensuring free and fair elections, protecting the people's votes, safeguarding the fundamental right to self-determination, ensuring fair competition in elections, and upholding the rights of candidates and the conditions set in electoral laws, oversees the actions of those managing

and involved in the electoral process from the beginning to the end, including the formation, transfer, and control of power (Mortezayi & Hosseini, 2014, p. 152).

### **2-4- Election Expenses**

Election expenses refer to the money required for active and enthusiastic participation in elections. These expenses may be incurred by candidates for government positions, as well as by political parties or other organized supporters. These expenses are specifically incurred for election competition and to pay the costs stipulated in various laws related to election expenses (Akbari et al., 2020, p. 145). Financing election campaign expenses is a major concern for candidates in election campaigns, and candidates always strive to finance the significant costs involved in election campaigns and garnering public votes. Theoretically, election campaign expenses require rules and regulations that differ across countries and generally pursue three main objectives: 1- Limiting expenses; 2- Restricting financial contributions to election campaigns; 3- Establishing rules and mechanisms for declaring expenses and increasing transparency. Additionally, regarding election campaign expenses, rules concerning financial assistance from foreign nationals and the role of the supervisory authority in this regard are established (Mostafazadeh, 2018, p. 85).

### **2-5- Financial Supervisory Bodies for Elections**

**The Guardian Council:** Since the supervision of the Guardian Council is comprehensive and inclusive after the election and covers all stages of the election from registration to the end of vote counting and announcement of results, this council supervises and gives

opinions on all election-related matters, including financial issues (Fazli Rouzbehani, 2020, p. 9).

**Election Crimes Prevention Task Force:**

The Election Crimes Prevention Task Force is formed during elections under the directive of the head of the judiciary, under the supervision of the Deputy for Crime Prevention of the Judiciary. Its duty is to raise public awareness, guide, instruct, and convince natural and legal persons, executives, organizations, candidates, and their campaign managers to align them with the law, deter illegal actions, and promote law-abiding behavior by explaining and clarifying the provisions of election crimes law and the penalties specified (Ahmadvand & Saber Mahani, 2015, p. 29).

**Specialized and Independent Supervisory Bodies:**

Today, the developments in election dynamics and the significant role of financial matters require the formation of a specialized and independent supervisory body for overseeing the interactions of election campaigns. Such institutions, based on an independent supervisory model, possess legal personalities separate from the government and are not

accountable to the executive branch and its officials. Additionally, according to this model, members of the executive branch are not allowed to hold membership in the supervisory body (Fallah Zadeh, 2013, p. 1).

### 3- Research Findings

#### 3-1- Foundations of Transparency in Election Campaign Expenses

The financing of election campaign expenses is one of the major sources of corruption in democratic societies reliant on elections. Many of the major scandals that have shaken democracy over the past decades have been linked to the financing of election campaign expenses. Therefore, disclosure, control, limitation, and auditing of political parties, organizations, and election campaigns are important tools in uncovering, pursuing, and preventing corruption at high levels and preventing the implementation of inappropriate practices in political arenas (Mehri & Hadi Tabar, 2015, p. 42). The transparency of election expenses has significant impacts that will be discussed further.



Figure 1: The effects of election expenses transparency

Source: (Mustafazadeh, 2013, p. 15)

### 3-2. Supervision of Election Advertising Costs and Their Implementation

The democratic nature of elections requires that the selection process be achieved not through extensive advertising tools with excessive costs but rather through methods that prioritize moderation in advertising. The most crucial option to prevent wastefulness, and to avoid creating dependencies between candidates and influential financial groups or

foreign powers, is to establish detailed financial regulations for candidates' electoral and advertising activities (Bozorgmehri, 2007, p. 14). In our country, before the passage of the "Law on Transparency and Supervision of Electoral Financing for Parliamentary Elections" in 2019, not only did the parliamentary election law but also other electoral laws fail to address electoral costs, leaving the matter completely neglected. Consequently, the manner in which electoral costs are applied and the



role of the public sector in this matter have also been left unaddressed. As a result, not only have the conditions and regulations for electoral expenses been neglected, but there are also no penalties stipulated for offenders in the section on electoral crimes and punishments. Certainly, without restrictions on candidate expenditures, those with better financial positions will ascend to power, while the goal of advertising is not the dominance of wealthy groups but the superiority of the most qualified (Dorosti, 2014, p. 102).

With the passage of this law in 2019, which was implemented in line with 123<sup>rd</sup> article of the Constitution of the Islamic Republic of Iran, under the title of the plan to clarify the sources of financing for election advertising and activities, the groundwork for supervising election expenses was laid. This law, consisting of 12 articles, defines the legal sources of financing for advertising, including candidates' personal assets, contributions from political parties and groups, donations from Iranian individuals, and public resources and facilities, thus setting the framework for expenditure by interested parties (<https://rc.majlis.ir>). Supervision of financial resources for election advertising is conceivable and applicable only when the necessary legal rules and regulations for financial transparency in all its aspects are first identified, and then the obligation to present reports and documents indicating compliance with legal conditions to the Guardian Council, as the supervisory body, is foreseen. Based on this, the recommendation that can be made is that the supervisory body, firstly, sets a spending cap for advertising expenses; secondly, requires electoral candidates to provide documentation on how they financed their election expenses; thirdly, mandates that all candidates deposit all their

expenses into a single bank account dedicated to the election; fourthly, obliges candidates to submit a report on all their election-related expenses, including advertising and election campaign events, within a specified period to the supervisory body; and fifthly, considers legal sanctions for non-compliance with these duties and for providing false information (Tahan Nazif & Kadkhoda Moradi, 2019, p. 1140).

### **3-3. Deficiencies in Financial Supervision of Elections in Iranian Laws**

Without drafting appropriate regulations, supervisory bodies like the Article 10 Commission will have limited impact on reducing corruption in this area. One way to strengthen the foundations of democracy is to implement precise legal financial oversight over the financial resources of party organizations and candidates' election expenses. Financial supervision of elections can be pursued through the establishment of a commission or council to oversee election expenses, and if the necessary groundwork exists, the body could be named the High Council for Financial Supervision in the Political Sphere. The High Council for Financial Supervision in the Political Sphere could have an administrative and judicial nature. The necessity of maintaining impartiality and adhering to principles of fair trial requires that the council in question have a judicial nature and function. Three general missions can be considered for the High Council for Financial Supervision in the Political Sphere:

1. Collecting accounts, continuous and regular inspection and supervision of the finances of



political parties and groups, and making final judgments about them.

2. Supervising the amount and method of electoral expenditures by candidates for the Assembly of Experts, the presidency, and the Islamic Consultative Assembly.

3. Regular publication of financial accounts of political parties and groups, electoral expenses of parties, and candidates (Tajarlou & Pahlavanlou, 2012, p. 98).

### 3-4. The Current and Desired State of the Electoral Campaign Financing System in Iran

An examination of Iran's electoral laws reveals that the political financing system in Iran is the missing link in electoral laws and the weakest and thinnest part of these laws (prior to the passage of the 2019 plan). The regulatory tools and mechanisms for financial interactions have generally been neglected in these laws. The table below will address the current and desired state of the electoral campaign financing system in Iran:

Table 1: The current and desirable state of the electoral campaign financing system in Iran

Indicator	Existing situation	Favorable condition
Limitation and prohibition of contributions	Iran's electoral laws, before the approval of the "Law on Transparency and Supervision of Financing of Electoral Activities in the Islamic Parliament Elections" in 2019, generally did not impose any legal restrictions or prohibitions on helping candidates, and neither did any on parties. It did not set a limit on the amount of aid and the source of aid, and it only prevented receiving any shortfall of funds and supplies from foreigners. With the approval of this	Contributions of natural persons or small contributions in Iran are not relevant due to reasons including the absence of what is called cash check participation, but the contributions of legal entities and companies and especially government contractors whose contributions are mainly due to compensation and Hidden retaliation with the aim of receiving rewards and economic and political privileges is done at all national, local and regional

	law, which was approved in 12 articles, the field of transparency of election aid by natural and legal persons and parties was provided.	levels, it is necessary to strictly regulate it.
Limitation and prohibition of expenses	Before the approval of the "Transparency and Monitoring Law on the Financing of Electoral Activities in the Islamic Council Elections" in 2018, there were restrictive laws in the form of cases such as Article 33 of the Presidential Election Law, which prohibits the buying and selling of votes and bribery in the matter of elections. Also, Article 66 of the Parliament Election Law, which explicitly prohibits the same cases and sets penalties for them, was evident. political parties and groups, contributions of Iranian natural persons and public resources and facilities were identified.	Limiting and prohibiting expenses should be used as the main regulatory tool in Iran's political financing system. For this purpose, it is necessary to describe the election expenses separately and in detail, in which cases the resources will be used and which items of expenses are prohibited. Electoral expenses of third parties are one of the other important areas for rulemaking, because the role of these people in campaigning and election activities, especially in the discussion of election violations in Iran, like the rest of the world, is a dominant and unavoidable role.
Government contributions to election campaigns	In Iran's electoral system, this type of aid does not exist for candidates or parties' election campaigns. Only one form of indirect public aid is provided for	Paying direct aid is easier, the motivation to get it is greater, and the control and criteria for its distribution are more difficult. For this reason, a system should be

	presidential candidates according to Article 56 of the Presidential Election Law.	designed that is closer to justice, more practical, auditable and transparent, and does not cause abuse.
Transparency in the financial interactions of election campaigns	Individuals do not have any legal obligation to report their donations and election expenses to the supervisory body. Article 33 of the internal regulations of the Guardian Council states that the details of the negotiations related to the examination of the eligibility of election candidates in terms of respecting the dignity of individuals are considered confidential and its publication depends on the order of the secretary.	The task of transparency should be entrusted to the responsible institution that, after receiving the financial reports of grants and expenses, collects this information in a timely manner and makes it available to the public through a website. It is obvious that in order to make the transparency system work better, the power to choose the information to be published should not be placed in the hands of other institutions in a decentralized manner, but this work should be exclusively in the hands of the election monitoring institution.
Specialized and independent supervisory body on the financial interactions of elections	As it is evident from Article 91 of the Constitution, the Guardian Council, in addition to the authority to protect the Islamic Sharia and the Constitution, has two other important duties, i.e. interpretation of the Constitution (Article 98)	Today, the course of developments and electoral processes and the prominent role of financial issues require the formation of a special and independent supervisory institution in a specialized form to monitor the

	<p>and supervision of elections and referendums (Article 99). Since the supervision of the Guardian Council is on the general and comprehensive elections and on all the stages of the elections from the time of registration to the end of the counting of votes and the announcement of the results. However, according to the opinion of experts in Iran's legal system, the financial supervision of elections is not considered very important and no article gives special authority to the Guardian Council in this field.</p>	<p>financial interactions of election campaigns. The formation of this institution in Iran faces a strong legal obstacle. According to the Guardian Council's interpretation of the Constitution, the Guardian Council is the sole authority of the Guardian Council to oversee all stages and issues related to the elections, and it cannot be parallel to the Guardian Council in terms of legality and the power of interpretation that the law has given to the Guardian Council. An independent supervisory body was installed. The solution is that the issue of public and political competences, which the Guardian Council is very sensitive to, should still be left to this council, but in the issue of monitoring election expenses, those who have been approved by the Guardian Council should be entrusted to the Independent Election Commission.</p>
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Source: (Zamani Zadeh and Yavari, 2019, pp. 473-478)

#### 4- Conclusion

Elections, as a political behavior, represent a level of political participation in which every society and individual participates based on their political understanding in a geographic environment to support, reform, and bring about change, thereby delegating a portion of the people's will in managing affairs to the government (Heidari & Arayesh, 2015, p. 166). Election supervision has been emphasized in the constitutions of countries, and efforts are often made to ensure that the supervising body is composed of individuals who have no vested interest in the election results (Taghizadeh & Karimzadeh Sharif Abad, 2013, p. 27). In the Iranian legal system, the Guardian Council is the supervisory body for elections, and the supervisory requirements of this institution have been outlined in the general election policies to elevate the country's electoral system, achieve a desirable state, and realize just supervisory systems (Tahan Nazif and Kadkhoda Moradi, 2019: 1127). One of the important topics in the election process that requires supervision is the issue of election expenses and the transparency of these costs. The impact of this transparency on the people's will, the selection of the best candidate, preventing and combating corruption, and addressing electoral crimes highlights the importance of this matter. In a situation where, prior to the ratification of the 2019 law on the transparency of funding sources for electoral advertisements and activities, there were no clear and explicit laws or regulations in this regard, and given that all matters related to election supervision are entrusted to the Guardian Council according to law, it was necessary, considering the extensive and

complex responsibilities assigned to this institution, to continue entrusting the Council with the general and political qualifications, for which the Guardian Council has significant sensitivity. However, regarding the supervision of election expenses, those approved by the Guardian Council should be handed over to an independent electoral commission, and financial supervision of the elections should be pursued through the establishment of a commission or supervisory council on election expenses. The supervisory body must, in addition to determining the threshold for election expenses, require electoral candidates to submit documentation regarding the source of their election financing so that within a specified timeframe, these expense reports can be delivered to the supervisory body. Furthermore, it is necessary to consider legal enforcement for violations of these duties and the submission of false information. In this regard, contributions from legal entities, companies, especially government contractors, etc., to political parties and electoral candidates should be regulated, and simultaneously, a system should be designed to ensure that the details of the expenses are transparent, preventing the entry of government contributions into this arena, and making the process more auditable and closer to justice. With the ratification of this law, the expenses of interest groups, in the form of legal resources such as the personal assets of the candidate, party and political group contributions, contributions from Iranian individuals, and public resources and facilities, can be monitored and reviewed through legal channels.

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