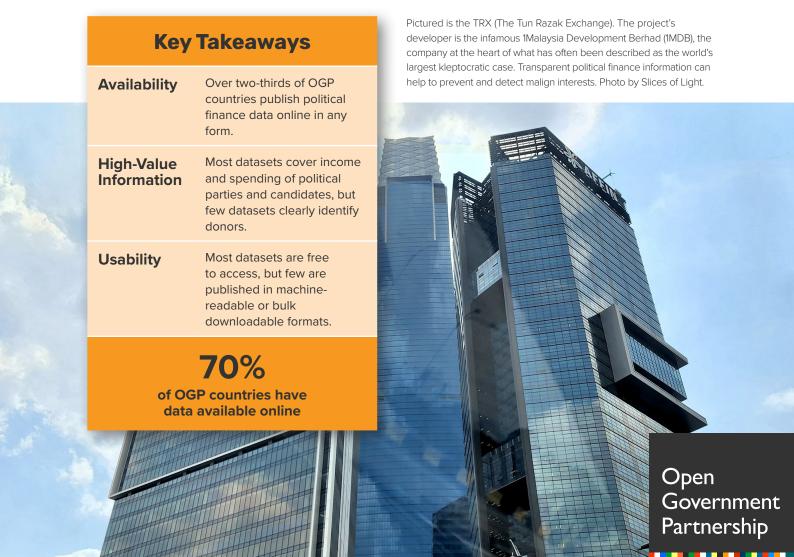
POLITICAL FINANCE

Introduction

While competition between political parties, campaigns, and regular elections are core elements of democracy, they also come with significant financial costs. When these expenses and the individuals and actors who pay for them operate in secrecy, it creates serious risks and questions about the undue influence these actors may have on policy makers.

Along with a host of other regulations, a requirement to publish political finance data—such as information on candidates and political parties' funding sources, contribution amounts, and spending—can help to ensure that elections are free, fair, and appropriately funded. Oversight agencies, watchdog organizations, journalists, and citizens can also use this information to prevent and detect cases of manipulation or undue influence, both during and outside of the campaign cycle.

This analysis is part of the <u>Broken Links: Open Data to Advance Accountability and Combat Corruption</u> report, which offers an overview of data frameworks and data availability in OGP countries across eight policy topics using data from the Global Data Barometer.



Policy Justification

The undue influence of money in politics interferes with democratic processes and can distort the representation that the government is responsible for providing. Political finance regulations, including financial reporting requirements, can reduce the harmful effects of this influence. These efforts can help to achieve a variety of objectives:

- Increases scrutiny of the raising and spending
 of funds. Political parties and candidates that
 routinely report their finances in open data format
 make it easier for oversight agencies, government
 watchdogs, and citizens to identify potential
 irregularities (International IDEA & OPG, 2019).
- Protects citizens' voices and improves trust in government. Countries can ensure that no voice regardless of wealth or donation history—has outsized value or power, preserving the principle of "one person, one vote" (Ohman, 2013). This makes citizens more likely to trust government institutions and election results (OECD, n.d.).
- making. Politicians may give preferential treatment to companies and other actors that donated to their campaign or political party, allowing these companies to co-opt politicians' policy agendas (OECD, n.d.). This may materialize in awarding public contracts to donors and other corrupt practices. Transparent political finance data can help prevent these risks, especially when the data is linked to other datasets, such as public procurement data.

- Identifies and counteracts the influence of malign foreign actors and criminals. In some parts of the world, criminal groups donate to political campaigns and parties to avoid prosecution (Ellena & Schein, n.d.). Foreign-linked interests may also use political finance to interfere with elections by co-opting candidates or third-party groups that pursue electoral outcomes. Transparent political finance information can help to prevent and detect these types of malign interests.
- Promote and protect participation and representation for women and other marginalized groups. Female candidates in many countries suffer a great disadvantage when running for political office due to a lack of access to campaign finance (Cigane & Ohman, 2014). Transparent political party finance data can help to document these gaps and support efforts to level the playing field (Cigane & Ohman, 2014).

GOOD TO KNOW

Key Terms

Political finance: According to the <u>International Institute for Democracy and Electoral</u>
Assistance (International IDEA), political finance "encompasses all financial flows to and from political parties and candidates. It includes formal and informal income and expenditure, as well as financial and in-kind contributions" (International IDEA, n.d.). Commonly used <u>instruments to regulate political finance</u> include banning illicit funds and foreign donations, limiting anonymous donations, and placing reasonable caps on contributions and political party spending (OSCE, 2015).

Public vs. private funding: Governments often provide funding to political parties or candidates—indirectly (e.g., access to media) or directly (e.g., cash)—to level the playing field and mitigate the risks of undue influence from private interests. This is considered public funding and stands in contrast to funding provided by individuals, companies, or other groups, also known as private funding.

In-kind and nonfinancial contributions: These contributions refer to nonmonetary support that political parties and candidates receive. For example, this includes donated or discounted goods and services such as transport or lodging.

Third-party campaigning: In many cases, actors other than political parties and candidates become involved in campaigns. These include special interest groups, lobbyists, and political party sub-organizations like women's and youth wings. While these third parties vary from country to country, they play an increasingly important role in campaigns and <u>are largely unregulated</u> (Ohman, 2020).

Data reporting vs. publication: In the context of political finance, data reporting refers to the submission of political finance data by political parties, candidates, and third parties to oversight or other government institutions.² Alternatively, data publication refers to political finance data made available online by the government.

A similar term also cited in political finance work is "non-contestant campaigner." In this analysis, we refer to "third party campaigning," which is the term used by the Global Data Barometer in its questionnaire https://handbook.globaldatabarometer.org/2021/indicators/G.PI.POLFIN/.

² This is the equivalent of the term "data collection" in other chapters of this report.

GOOD TO KNOW

What Does "Political Finance Data" Mean in this Report?

This module covers findings from the Global Data Barometer on the publication of political finance data in OGP countries. It includes information on the availability of the following types of data related to political finance:

- Donations, public funding, and membership dues for each party or candidate
- Income for each party or candidate
- · Assets and liabilities of each party or candidate
- · Spending of each party or candidate
- In-kind and nonfinancial support donated to each party or candidate
- · Timing and amounts of donations linked to donors
- · First and last name of each donor
- · Information about each donor, including place of residence, occupation, and employer
- · Unique identifiers for each donor

State of Progress Through OGP

Relatively few OGP members have made commitments related to political finance in their action plans. Over OGP's first ten years, 33 members have made 50 commitments related to election and political finance reform. Twenty-one of these commitments are specifically related to increasing transparency and accountability within political finance. Member adoption of political finance commitments has remained consistently low relative to other policy areas. Currently, just 15 percent of all OGP members are implementing a commitment related to elections and political finance in their action plan. 4

OGP commitments related to political finance have mostly focused on strengthening reporting requirements. About two-thirds of the commitments specifically related to political finance involve creating legislation or regulations that mandate increased

transparency. A handful of commitments (from Georgia, Latvia, and Romania) mention publishing political finance data in open formats. Few members have used the OGP platform to create mechanisms or opportunities for the public or government institutions to monitor political finance data.

Initial evaluations show promising results of political finance commitments in OGP. Based on assessments by OGP's Independent Reporting Mechanism (IRM), political finance commitments perform similarly to the global average in terms of ambition. Half of political finance commitments have been assessed as having a significant potential to change the status quo if implemented. While the sample size is small, commitments in this area do tend to be more effective than the average OGP commitment. According to the IRM, one-third of political finance commitments have achieved strong early results in opening government, compared to 22 percent of all OGP commitments.

Key Findings from the Global Data Barometer

GOOD TO KNOW

About GDB Data

The Global Data Barometer (GDB) is a global expert survey drawing on primary and secondary data that assesses data availability, governance, capability, and use around the world to help shape data infrastructures that limit risks and harms. Together with regional hubs and thematic partners, GDB researchers collected data on 109 countries, including 67 of the 77 OGP participating countries. The GDB captures data developments between May 1, 2019, and May 1, 2021, and includes 39 primary questions and over 500 sub-questions.

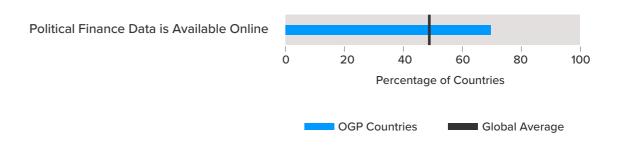
Most OGP Countries Publish Data, But Gaps Remain

The majority of OGP countries make political finance data available. Nearly three-quarters of OGP governments (70 percent) publish at least some political finance data online (see Figure 1). This stands in stark

contrast to non-OGP countries, where only about one in six (16 percent) publish any data online. An important factor is that nearly all OGP countries have a law, policy, or regulation that requires the reporting or publication of political finance data (see *Legal Frameworks for political finance* for more details).

FIGURE 1. Most OGP countries publish political finance data online in some form

This figure shows the percentage of OGP countries that publish political finance data online compared to the global average. The GDB assessed 109 countries, 67 of which are OGP members.



Note: This analysis only considers data that is available as a result of government action. See the About Broken Links section of the full report for more details.

³ The rest largely focus on making electoral data publicly available.

⁴ This includes action plans submitted in 2020 or later. The members include: Brazil, Germany, Indonesia, the Netherlands, Papua New Guinea, and Sierra Leone.

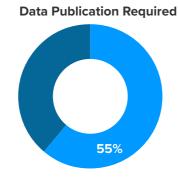
Legal Frameworks for Political Finance Data

Most OGP countries have a regulatory framework governing political finance data. Sixty-two of 66 assessed OGP countries (or 94 percent) have a law, policy, or regulation that requires political parties and candidates to report financial data (see Figure 2).⁵ This is one of the highest rates compared to other policy areas assessed in this report.⁶

FIGURE 2. Political finance regulatory frameworks often lack publication requirements

This figure shows the percentage of OGP countries with reporting and publication requirements for political finance data. The sample includes all 67 OGP countries assessed by the GDB.





Note: Only binding laws and policies that exist and are operational are considered. See the About Broken Links section for details.

Most frameworks include definitions of key terms. About half of the frameworks have clear and unambiguous definitions for the campaigning activities of parties, candidates, and third parties. About a quarter of frameworks have definitions for only some terms, with many lacking definitions for third-party campaigning. A quarter of frameworks lack definitions altogether.

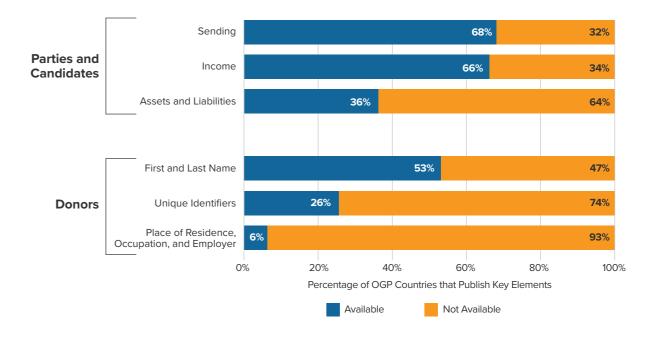
Frameworks largely lack open data publication requirements. Just over half of OGP countries require publishing political finance data in binding policy, regulations, or law (see Figure 2). However, fewer than one in ten OGP countries require publishing this data in open formats. This makes it difficult to enforce disclosing data in a format that would better enable public monitoring and oversight.

However, existing political finance datasets show important gaps in coverage. For example, many lack details on finances of political parties and candidates. Among OGP countries that publish political finance data online, about two-thirds publish details on spending or income of political parties and

candidates (see Figure 3). Fewer, about one-third, disclose details on assets and liabilities. (The reasons for these gaps are multifold. See the next subsection for more on the common binding constraints for OGP countries.)

FIGURE 3. Political finance datasets in OGP countries lack details about key actors

This figure shows the percentage of OGP countries that publish political finance information about key actors. The sample includes only the 47 OGP countries that publish political finance data online.



Less information is available about donors (see

Figure 3). About half of online political finance datasets in OGP countries include the first and last name of donors, but far fewer include other, more reliable means of identification, such as unique

identifiers and employment information. Beyond easier identification, publishing employment information is also important to spot cases of legal entities subdividing donations and channeling them through employees.

⁵ OGP countries without a law, policy, or regulation include Burkina Faso, Senegal, and Sri Lanka. Honduras has a law but it is not yet implemented.

⁶ This includes the other areas covered by the Global Data Barometer: asset disclosure, lobbying, right to information, and public consultation.

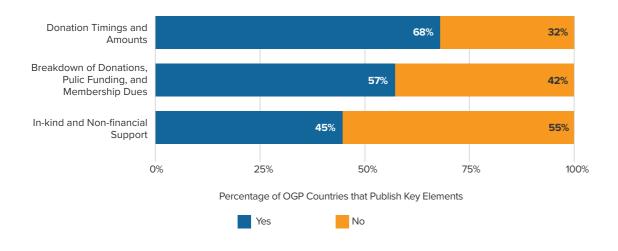
It is worth noting that definitions for third-party campaigning vary widely across countries. For example, depending on the context, third parties may include entities affiliated with political parties like think tanks or groups that do not pursue policy or regulatory—rather than electoral—outcomes. This makes it difficult to determine the degree to which this term is adequately defined across countries.

Sources of income for political parties and candidates are also often not published. While two-thirds of OGP countries that publish political finance data online specify the timing and amount of donations, fewer disaggregate the income of

parties and candidates by revenue stream, such as donations, public funding, and dues (see Figure 4). Fewer still publish data on in-kind and nonfinancial contributions.

FIGURE 4. Most OGP countries do not publish party and candidate income by revenue stream

This figure shows the percentage of OGP countries that publish party and candidate income by revenue stream. The sample includes only the 47 OGP countries that publish political finance data online.



Note: For this analysis, countries with "partial" disclosure are considered cases of "no" disclosure. See the About Broken Links section of the full report for more details.

Data Collection and Publication are Common Binding Constraints

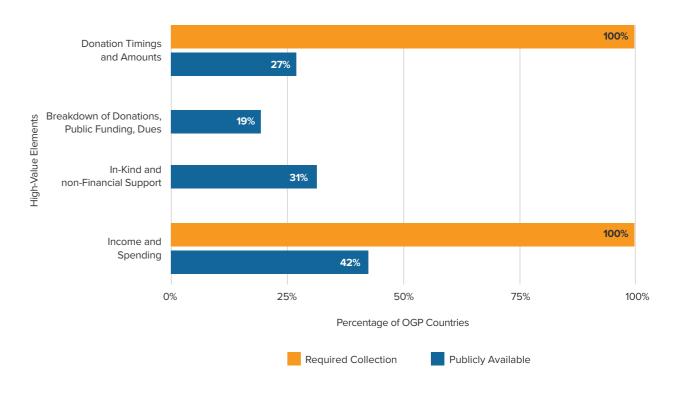
OGP countries often require political parties and candidates to report information that is **never published.** Figure 5 looks at how reporting requirements compare to data availability across several areas of political finance. In each case, reporting requirements are far more common than the actual publication of data. For example, while more than three-quarters of OGP countries require political parties and candidates to report their income and spending, fewer than half publish this data online. This gap between reporting requirements and publication of data is one of the largest when compared to other policy areas assessed in this report.8

The reasons for this lack of published data vary.

In many cases, not all parties or politicians comply with reporting requirements. In other cases, the data is reported, but the government either does not publish it online or publishes it at such a high level that it is impossible to identify details such as sources of income and spending. Another challenge is that political parties and politicians are often responsible for posting their own financial data without a standard template, which leads to a patchwork of available data.

FIGURE 5. Disparity between data disclosure requirements and data availability

This figure shows how many OGP countries have a mandate to collect certain data elements vs. how many actually publish. The sample includes all 67 OGP countries assessed by the GDB.



This points to a gap in both data collection and publication. This finding suggests that for most OGP countries, the issue is not the lack of a legal or regulatory framework that requires political parties and candidates to report information. Instead, the binding constraint is ensuring compliance with

existing reporting requirements and ensuring that the collected data is then published online (see the Beyond Open Data section for more on the importance of independent oversight bodies to ensure greater compliance).

⁸ This includes the other areas covered by the Global Data Barometer: asset disclosure, lobbying, right to information, and public consultation

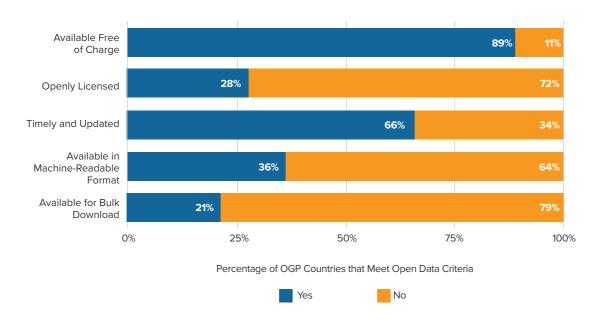
Most Political Finance Data Is Not User-Friendly

Data usability also poses a challenge. Figure 6 below illustrates the extent to which the available political finance data in OGP countries meets open data standards. While nearly all datasets are available

at no cost, only about one-third are machine-readable and licensed for reuse. One in five OGP countries makes the data available for bulk download. In many cases, political party financial statements are only available as scanned forms in PDF format, which requires users to manually review them to track income and expenses.

FIGURE 6. Most political finance data does not meet open data standards

This figure shows the percentage of OGP countries whose political finance datasets meet open data criteria. The sample includes only the 47 OGP countries that publish political finance data online.



Note: For this analysis, countries with "partial" disclosure are considered cases of "no" disclosure. See the About Broken Links section of the full report for more details.

Maturity Model for Future Actions

Below is a set of steps, from foundational to advanced, that members across the spectrum of policy implementation can take to improve the collection and disclosure of high-quality political finance data. Open data alone, however, is not enough (see the *Beyond Open Data* section for a discussion of other steps that must complement data collection and disclosure).

Legal and Regulatory Framework

• Ensure a strong foundation for data governance:

- Set out clear and unambiguous definitions for the campaigning and financial activities of political parties and candidates, including third parties.
- Establish a mandate for an independent institution with sufficient resources and powers to examine financial reports and investigate/ sanction where needed.

• Require comprehensive financial reporting:

- Require political parties and candidates to report income (including in-kind and nonfinancial support), campaign spending, assets, and debts.
- Require reasonable itemization of spending information with periodical updates to spending categories.⁹
- o Set a low threshold for the donation amount that requires reporting the donor's name.
- Require regular updates, both during and outside of the campaign cycle, and consider real-time reporting by banking to oversight institutions.

Data Publication

Publish financial data on political parties and candidates:

- o Publish the income, spending, assets, and liabilities of political parties, candidates, and third parties¹⁰ on a single, centralized data portal.
- Disaggregate revenue data by source, including donations, public funding, and membership dues.
- o Publish the information on a timely basis.

Publish data on donors and donations:

- Publish donation timings and amounts, including in-kind and nonfinancial contributions.
- o Identify donors by disclosing first and last names and other clearly identifiable information for each donor.
- o Publish information on an ongoing basis, including before elections.

Publish high-quality data that enables effective monitoring:

- Make data available as open data, i.e., in machine-readable format(s), at no cost, licensed for reuse, and downloadable in bulk.
- o Make political finance data interoperable by using common identifiers for natural persons (including candidates and donors) and legal persons (including nonprofits and certain third-party groups) to link to other data sources, like registered lobbyists and corporate owners (see Good to Know: Common Identifiers to Link Up Anti-Corruption Data).

International IDEA's latest analysis shows that even in the UK—a country with one of the most transparent political finance systems in the world—nearly 15 percent of campaign expenditures in the last general election were impossible to account for due to a lack of detailed financial reporting, among other reasons. The analysis is available at: https://www.idea.int/news-media/news/what-did-political-parties-really-spend-political-finance-transparency-uk.

Reporting obligations for civil society organizations (CSOs) should be no more burdensome than for businesses. CSOs should still be able to seek foreign funding, advocate for policies, and be protected from retaliation, stigmatization, and arbitrary enforcement, including being labeled and punished as foreign agents. This issue is explored further in a policy brief by OGP, the National Democratic Institute, and Transparency International, available at: https://www.opengovpartnership.org/documents/countering-illiberal-influences-through-open-government/.

GOOD TO KNOW

Common Identifiers to Link Up Anti-Corruption Data

Data is more likely to advance accountability when it can be combined with other data. In addition to the high-value elements of each dataset, certain elements should be shared across datasets through the employment of "common identifiers." These may be stored in a third dataset, reducing the need for data cleaning and validation.

Combining political finance data with asset disclosure, beneficial ownership, and land ownership data is particularly important. When designing or improving a particular dataset, decision makers should ensure that datasets rely on common identifiers as much as possible and require validation of those common identifiers in the entry of information. The facts below show how many OGP countries have the most important common identifiers for political finance data.

- 18% of OGP countries publish unique identifiers for each donor in political finance datasets.
 This ensures that the same donor can be traced across campaigns and allows for cleaner data.
- Asset disclosure and political finance disclosures share common identifiers for interests, assets, and liabilities in just 6% of OGP countries. Similarly, only 3% of OGP countries use common identifiers in lobbying data and political finance data for lobbyist clients and party and campaign donors. This limits the degree to which oversight bodies, auditors, and watchdog organizations can evaluate conflicts of interest, identify bad actors, and identify potential kickbacks for political campaigns.



LESSONS FROM REFORMERS

Transparency of Political Party and Election Financing in Croatia

Croatia has been working on increasing transparency of political party and election financing through commitments in their second and third action plans. Using the information provided in the database of election campaign reports, developed by the State Election Commission as their OGP commitment, two civil society organizations that are members of the Croatian Multi-Stakeholder Forum developed a searchable database of contributions and expenses reported by parties and complement this information with their own analysis of key observed trends and issues (Croatia, n.d.). The database allows search and comparison of donors, campaign expenses, media discounts, and social media campaign expenses." See 2020 Annual Report for more details (OGP, 2021).

GONG's (n.d.) searchable database ("Microsoft Power BI, n.d.)



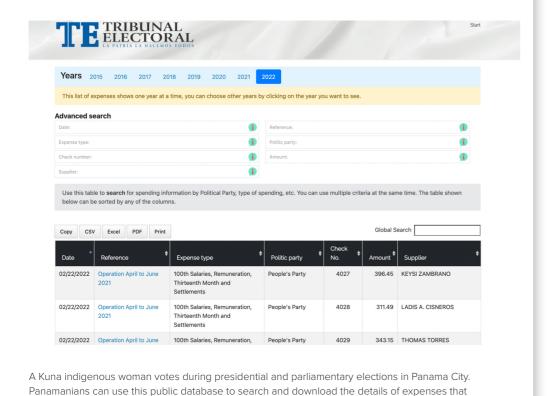
Citizens can use the database to find information related to elections, supervision of political activities funding and supervision electoral campaign funding, as well as electoral legislation. Photos by the Croatian State Electoral Commission.



LESSONS FROM REFORMERS

User-Friendly Search Engine on Public Financing of Political Parties in Panama

Before 2015, Panama's citizens could not monitor state contributions to independent political parties and candidates. As part of their 2015 action plan, Panama (n.d.) committed to publishing detailed information on public financing of political parties no later than six months after the end of each electoral period. The Panamanian Tibunal Electoral (or Electoral Tribunal, which provides vital records, identifications and electoral organization) created a <u>public database</u> that is searchable by year and shows all funding granted to political parties from the electoral authority, along with the use for the funding (Tribunal Electoral, n.d.). The database is user-friendly, allowing information to be downloaded in an open format, and regularly updated.



pertain to the financing and operation of the political parties in their country. Photo by Luis Acosta, AFP.

Beyond Open Data

This chapter has focused on open data around political finance, but countries will, of course, need to go Beyond Open Data to create meaningful change. Below are other necessary elements of strong reforms (see *Guidance and Standards* for more recommendations):

- Involvement of diverse stakeholders: Civil society organizations, journalists, political parties, the private sector (e.g., social media platforms), and oversight agencies all have an important role to play. Together, they can: (1) ensure ambition and feasibility of the data framework; (2) provide feedback on the usability of the data; and (3) monitor data, flag suspicious cases, and investigate.
- Strong regulatory environment for political finance: Political finance data, even when disclosed in usable formats, is not effective if political finance is weakly regulated. Examples of common political finance regulations include banning illicit funds and foreign donations, limiting anonymous donations, and placing reasonable caps on contributions and political party spending. See the *Guidance and Standards* section for a list of other measures.
- Independent oversight: Independent institutions in charge of examining financial disclosures, investigating suspicious cases, and implementing sanctions in case of violations (depending on the administrative context) can ensure accountability. Ideally, these institutions should create channels for civil society to flag cases for follow-up and should engage with the regulated community (e.g., political parties and electoral contestants) to raise awareness of responsibilities, ensure an appropriate framework for compliance, and provide the necessary training. See Guidance and Standards for more detailed recommendations for political finance oversight bodies.

- Interagency cooperation: Aspects of political finance often fall under the purview of different government institutions, such as anti-corruption agencies, lobbying registrars, and electoral bodies. At a minimum, these institutions should coordinate to share information. Beyond that, these institutions could also cross-reference political finance data with other government datasets—such as the tax registry or beneficial ownership database—for more effective verification. OGP Multi-Stakeholder Forums are one possible vehicle for cooperation in designing and implementing open government reforms (OGP, n.d.).
- Modernized, digitized systems: Regulatory frameworks must address the emerging challenges of the digital age. For example, online services (e.g., social media advertising, microtargeting, digital consulting) are increasingly used but not properly captured by existing reporting requirements (Hamada, Dommett, & Power, 2022). Opaque cryptocurrencies also represent a growing source of political finance. Innovative digital solutions are needed, such as digitized real-time reporting and publication of political finance data, and automatic cross-checking of political finance data with online ad libraries, beneficial ownership databases, and tax registries.

BROKEN LINKS: OPEN DATA TO ADVANCE ACCOUNTABILITY AND COMBAT CORRUPTION

POLICY AREAS: POLITICAL FINANCE

1

GUIDANCE AND STANDARDS

Standards

Article 7.3 of the **United Nations Convention Against Corruption (UNCAC)** sets out that states should consider "enhanc[ing] transparency in the funding of candidatures for elected public office and, where applicable, the funding of political parties" (UNCAC, n.d.).

In 1999, the **Council of Europe** established the Group of States Against Corruption (GRECO) to monitor countries' compliance with the Council's anti-corruption standards (Council of Europe, n.d.). Specifically, GRECO evaluates countries' compliance with the Council of Europe's rules against corruption in the funding of political parties and electoral campaigns (Council of Europe, 2003).

Guidance

Transparency International offers recommendations on how to address political finance transparency in OGP action plans (Amin & Marín).

International IDEA has several resources related to implementing political finance reforms in and outside of OGP, including:

- A policy brief that discusses the importance of political finance transparency for countries' political and economic security and offers examples of OGP reforms in this area (International IDEA and OPG, 2019)
- · A report about the challenges political finance poses to democracy and the reforms countries can make to address them (Hamada and Agrawal, 2020)
- A <u>database</u> that tracks how political finance is regulated in 180 countries (International IDEA, n.d.)

International Foundation on Electoral **Systems (IFES)** has several related resources, including:

- A report that offers an overview of problems that arise in the absence of political finance regulations and steps countries can take to solve these problems (Ohman, 2013)
- Research on how improved campaign finance regulation can promote gender equity and women's participation in elections (Cigane & Ohman, 2014)
- A book that documents existing political finance regulations in the Middle East and North Africa (Salameh, 2013)
- A database of political finance oversight for Europe and Eurasia (IFES, n.d.)
- A handbook related to political finance oversight (Ohman, 2013)
- A toolkit for political finance institutions on how to implement political finance regulations (IFES, n.d.)

The Organisation for Economic Cooperation and Development (OECD) has several related resources, including:

- A report on the risks of funding political parties and campaigns, barriers to confronting these risks, and the links between these risks and the broader integrity of the political system (OECD, n.d.)
- A training manual on political finance regulation (OECD, n.d.)

The Organization for Security and Cooperation in Europe (OSCE) has a handbook for campaign finance that covers common regulatory measures, such as contribution and expenditure limits, reporting requirements, and oversight mechanisms (OSCE, 2015).

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Political Finance is part of the *Broken Links: Open Data to Advance Accountability and Combat Corruption* report that can be found here: https://www.opengovpartnership.org/broken-links/