

# Election Management

A Compendium of  
Commonwealth Good Practice

*Commonwealth Secretariat*



The Commonwealth

# **Election Management**

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The Commonwealth

Commonwealth Secretariat  
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United Kingdom

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## Foreword

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The Commonwealth Charter sets out the values and principles that bind together one third of humanity in 53 member countries. The very first of the Charter's core values is Democracy, including our shared recognition of the inalienable right of all Commonwealth citizens to choose freely and fairly the representatives and leaders of the societies in which they live. Election management bodies play a critical role in protecting this right and deepening our shared democratic culture.

This Commonwealth compendium of good election management practice is a fresh initiative that sets out for the first time the key features expected to be found in all Commonwealth national election management bodies. In addition, the compendium reflects the diversity of our membership by also summarising the value of key provisions and individual characteristics that exist in each of our election management bodies. This provides the opportunity for election management bodies and other readers of this compendium to learn from each other – the very essence of sharing our common wealth.

Democracy itself – especially the institutions and processes that support it – is a work of constant evolution reflecting changing national circumstances over time. Lifting the quality and strengthening the relevance of our election management bodies is a continuing work-in-progress: all must strive to learn and apply the lessons from each new election and rise to the emergence of new challenges, including evolving information and communication technologies as well as increasing demands for greater transparency and integrity.

The development of this first edition of the Compendium as a handbook of electoral good practice has benefitted from the knowledge, experience and vigorous debate of senior officials from election management bodies across the Commonwealth. Fresh thinking has emerged from a series of Commonwealth expert working groups over recent years on a number of issues, including incumbency; campaign funding; voter education and participation; voter registration; the counting, tabulation and transmission of results, and the impact of social media. I commend the contribution of the Commonwealth Electoral Network, the forum through which our elections officials and experts work together.

We are confident that this compendium will contribute to raising and advancing the Commonwealth's vision of good electoral practice backed by practical advice and support.

**The Rt Hon Patricia Scotland QC**  
**Secretary-General of the Commonwealth of Nations**

## Acknowledgements

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The Commonwealth Secretariat acknowledges with particular gratitude the extensive and valuable contribution of the principal compendium drafter, Tim Sheehy. The role of Carl Dundas is also acknowledged with thanks. This compendium has also benefitted with appreciation from the inputs and support of members of the Commonwealth Electoral Network's working groups, and from the leaders and staff of many Commonwealth national election management bodies.

## Executive Summary

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This compendium is designed to provide policy-makers and staff of election management bodies with a reference guide to the democratic values, principles and practices of the Commonwealth which should be reflected in the work they do to consolidate and deepen democracy in their countries. It is also offered to assist governments, political parties and civil society organisations understand better the role, functions and responsibilities of those tasked with delivering credible elections.

**Chapter One**, which is grounded in the *Charter of the Commonwealth*, stresses that elections are a means to an end: the objective is to secure and sustain the legitimacy of government within a truly inclusive and democratic society.

Such a democracy must be built on the firm foundation of respect for people, and their inalienable human, social and political rights. This means political equality and freedom from discrimination for all, the right to participate fully in the political process, to receive and impart information, and to associate freely with others in order to advance political views and interests.

**Chapter Two** sees the independence of the election management body as an indispensable bulwark in protecting and defending constitutional order. Its role is to provide a level playing field for the electoral contest. The election management body must operate firmly, without partisanship, in an open and candid manner, at all times working to protect the rights of individuals and political parties.

**Chapter Three** looks in greater detail at the specific powers, functions and responsibilities of an independent election management body. In line with the conclusions of Commonwealth Working Group, it stresses that:

*The election management body must be independent and impartial, which means not being under external direction, control or subject to undue influence – including, and most crucially, on the part of the government but also of financial (local or foreign) and other interests.*

The chapter explores the practical implications of the Commonwealth's values and principles with regard to the core functions of the election management body. It details the arrangements that need to be put in place to prevent incumbent governments taking unfair advantage of their position. It also discusses the responsibility of the election management body – with regard to staffing, funding, and management and administration – always to act with integrity and openness.

**Chapter Four** examines a number of the key challenges facing election management bodies today as they organise elections that are not only 'free' but also 'fair'. The subjects discussed are: i) achieving gender equity; ii) fair voting; iii) gerrymandering; iv) the politics of identity; v) intimidation and violence; vi) dirty money; vii) meeting

the challenge of social media; viii) democracy in small and island states; and ix) ‘fair’ or only ‘free’ elections?

The observations in this publication are not exhaustive, nor are they designed to provide the last word on any of the issues under discussion. The compendium’s purpose is to bring to bear the core values and principles of the Commonwealth on some of the practical challenges facing election management bodies as they work to strengthen democracy and improve the quality of elections in their own jurisdictions.

The **annexes** reflect information provided by each Commonwealth election management body on that country’s standards for democratic legitimacy; the legal framework establishing the election management body; its funding arrangements; and its administrative structure. Commonwealth countries are evidently and gradually moving towards a common approach in regard to the need for, and the establishment and role of, independent election management bodies.

## Key characteristics of a Commonwealth election management body

A Commonwealth election management body should be **constitutionally mandated** not just to organise regular elections, but to ensure that they are fair to all contestants, credible and inclusive – proactively working to secure freedom of speech and freedom of association without discrimination.

It must be **independent and impartial**, which means not being under external direction, control or subject to undue influence – including, and most crucially, on the part of the government, but also of financial (local or foreign) and other interests.

It should ideally be a **permanent body**, rather than one created for each election, so as to be present throughout the electoral cycle.

It needs to have effective **influence over all aspects of the electoral process**, including the delimitation of electoral boundaries.

It must be competently and efficiently managed, composed of people who have the **confidence of society** as a whole and command the trust of the political parties. Selfish party interests should be removed from the appointment process. Members must be **protected by and subject only to the constitution and the law**; they should be removable only for cause – and not be persons whose further career advancement is dependent on their performance in the election management body.

The **role and authority** of the electoral management body should be defined and protected in the constitution, and its **specific competencies, powers and functions** need then to be enacted in legislation. Such legislation should include **powers to make policy**, relating both to the conduct of elections and building of democratic culture during and between elections.

The electoral management body should have specific powers to **adjudicate disputes** and, where necessary, **apply sanctions** against those who cheat or fail to comply with its decisions. Alternatively, a judicial mechanism needs to be put in place that is specifically designed to provide **immediate** remedies. Either way, effective sanctions for electoral malpractice must be available, but need to be applied judiciously. Where problems arise, the first step should be through **consultation and mediation**.

The electoral management body must have: **adequate funding**, assigned by parliament and not subject to arbitrary control on the part of government; appropriate staffing, accommodation, facilities for training and equipment; and **power to appoint its own personnel**, with effective control over any seconded members of the public service. The tenure of senior staff members should be protected. Strong controls, including in regard to procurement, must be in place to stop **corruption**.

The electoral management body should **maximise public participation** in all aspects of the electoral process; and, to that end, provide **comprehensive information** to all in an open and impartial manner. **Codes of conduct**, drawn up in consultation with stakeholders, can play an important role in building responsible participation.

Bona fide **election observers**, including foreign observer groups, should be welcomed. Both citizen and, if they are present, international observers should provide a comprehensive assessment. The electoral management body should review and, where appropriate, act upon observer recommendations.

The electoral management body should have the responsibility to **review periodically** the functioning of the electoral process and legislation, and make recommendations to parliament for improvement.

Finally, the election management body should be **inclusive and open**, reflecting, within its own operations, the Commonwealth's core values and principles – as reflected in the Commonwealth Charter – and always sensitive to the importance of gender equity and the needs of those who are, or who feel, marginalised.

## Chapter 1

# Commonwealth Core Democratic Values and Principles

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Advancing the culture and institutions of democracy is central to the modern Commonwealth. Respect for democratic good practice, along with universal human rights covenants and instruments, is one of the Commonwealth's core values. It is an indispensable condition of membership.

The practical implications of this commitment have been clarified and deepened over the years, including through the *Singapore Declaration* (1971), the *Harare Declaration* (1991), the *Millbrook Action Programme* (1995), the *Latimer House Principles* (2003), the *Aberdeen Agenda* (2005) and the *Affirmation of Commonwealth Values and Principles* (2009). The most authoritative statement of these commitments, which can be found in the *Charter of the Commonwealth* (2013) stresses the importance of inclusiveness and transparency as core Commonwealth principles.

The Charter, which recognises that there has been a 'surge in popular demands for democracy', commits member countries to 'the *development* of free and democratic societies.' Its objective, clearly, is to encourage this historical trend towards democratic consolidation.

### Democracy is an ideal to strive for

Emphasis is placed on the '*development*' of democratic societies because this is not a matter of reaching some arbitrarily fixed benchmark, but a good faith commitment to engage in a journey whose objective is constantly to refine and deepen democratic good practice. It sees democracy as an ongoing process in collective living and institution building.

### There are no perfect democracies

No Commonwealth country has reached the end point in its democratic journey. All need to continue the journey. The specific characteristics of each country's democratic arrangements will vary in light of national experience and culture – diversity the Charter celebrates – but they must remain faithful to the Commonwealth's fundamental values and principles.

### The popular demand for democratic progress is unstoppable

By characterising in the Charter these popular demands for change as 'surging' – a powerful and evocative idea – the people of the Commonwealth recognise that, in the long run, efforts to suppress legitimate aspirations for fair representation in government or for participation in the political process will eventually be overwhelmed.

## Freedom lies at the foundation of democracy

Furthermore, there is a strong focus in the Charter, not just on ‘democracy’, which can wrongly be seen simply as referring to formal structures, but on ‘freedom’, which underlines a potent commitment to human emancipation. Only a free people can be truly democratic.

That freedom clearly implies an unimpeded ability to organise politically, to receive and impart information, and to protest against maladministration and corruption.

True democracy, it is recognised, cannot exist unless people are enabled to exercise their rights within a society that respects the rule of law, and to choose their own leaders. Arbitrary rule by those in authority, or their agents, is the exact opposite of democracy (even if the officials concerned have received an electoral mandate).

## Rights are balanced by responsibilities

The freedoms claimed within a democratic society come with a clear set of responsibilities. Democrats must accept that, however committed they are to their own side and however disreputable they believe the opposition to be, the system can only function if they accept an overriding loyalty to the democratic process itself.

## Loyal opposition

Democracy means recognising the legitimacy of a government run by political opponents and being willing to wait patiently until the next election. It means fully internalising and accepting the idea of the ‘loyal opposition’. The governing party, in exchange, while striving to accommodate the legitimate interests of the opposition, in order to secure the common good, must accept its right of dissent and even of vociferous opposition.

## Good governance

Public service should not be focussed on personal enrichment, but on serving the common good. Although securing political power may traditionally have been an easy and quick route to amassing wealth, this is not the purpose of political leadership and in a Commonwealth community should no longer be the case.

The focus on good governance, which is central to the Charter, is among other things designed to break that link. Politicians should be appropriately remunerated, but must not otherwise use their public position for personal gain. It is essential, therefore, that countries develop a robust and effective anti-corruption architecture.

## Participation

The Charter’s preamble talks about free and democratic ‘societies’. This approach, which again is much broader than concern just for the electoral process, points to respect for the role of civil society and the responsibility of Commonwealth governments to encourage and protect the diversity (and sometimes the unruliness) of a free people.

The Commonwealth's commitment to democracy, therefore, involves respect for the 'inalienable right' of individuals to participate not just in elections, but also in democratic processes more broadly.

### Creating a democratic culture

According to the Charter, responsibility for upholding and promoting 'democratic culture' rests with governments, political parties and civil society organisations.

This recognises that the ultimate goal of the constitutional order is to produce not only democratic procedures but a democratic 'culture': a culture in which all citizens – whatever their background – can participate and feel that they have a stake; and a culture in which unjust social privileges and oppressive hierarchies are tamed in the interests of social harmony and justice.

### Minorities and the marginalised

Democracy resides not only in procedural mechanisms like universal suffrage but also in building a culture of respect for the rights of minorities and the marginalised. The 'dictatorship of the majority', especially when fuelled by exclusive forms of identity politics, has no place in a truly democratic society.

### Human rights

A democratic society, with a democratic culture, can only be built on the firm foundation of respect for the 'dignity of all human beings.' Commonwealth countries, therefore, adhere to the Universal Declaration of Human Rights and other human rights covenants and international instruments. The Charter also envisages all sharing respect for the protection and promotion of:

*... civil, political, economic, social and cultural rights, including the right to development, for all without discrimination on any grounds as the foundations of peaceful, just and stable societies.*

Member countries may not pick and choose, or mix and match among these rights. As far as the Charter is concerned, they are 'universal, indivisible, interdependent and interrelated and cannot be implemented selectively'.

### Outlawing discrimination

The Commonwealth, through the Charter, not only promotes human rights but also commits governments to eliminating: 'all forms of discrimination, whether rooted in gender, race, colour, creed, political belief or other grounds'. Gender equality and women's empowerment, in particular, are seen to be: 'essential components of human development and basic human rights'.

### Tolerance

Free and democratic societies, precisely because they are free and democratic, must actively promote 'tolerance, respect, understanding, moderation and religious

freedom'. The Commonwealth as a whole, and its individual member countries, are diverse and comprise 'multiple identities'. Positive acceptance of this diversity, and an acceptance that it enriches all, is 'fundamental to the Commonwealth's principles and approach'.

## Youth

The future of the Commonwealth, and of its continuing efforts to raise standards of democracy and human rights, will depend on the willingness of young people to promote and sustain Commonwealth values and principles. It is important, therefore, that young people should be given their rightful place in the national life of all Commonwealth countries.

## Civil society

The health and dynamism of civil society – that multitude of organisations, autonomous and semi-autonomous, formal and informal, that lie between government and individual citizens and their families – is a significant indication of the quality of a country's democracy.

The Charter provides a clear, comprehensive and unambiguous statement of what the Commonwealth stands for. Civil society organisations and others can use the Charter as a yardstick for evaluating the extent to which their governments, and the constitutional and legal framework under which they operate, meet the basic democratic and human rights standards of the Commonwealth.

## Chapter 2

# Translating Commonwealth Values and Principles into Democratic Practice

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## 2.1 Constitutionalism and democracy

Ultimately, sovereignty rests not with the head of state or the ruling party but with the people. The exercise of political power should flow from the will of the people. In a representative democracy, this is discovered through contested elections that are regular, fair, credible and inclusive.

### Constitutionalism

Constitutionalism, which is the foundation on which such a democracy is built, is the idea that – once elected – a government should be legally limited in its powers, and that its authority in continuing to exercise these powers depends on observing such limitations. The litmus test of constitutionalism is curbing the unfettered (or endlessly extended) exercise of government power and ensuring respect for the rule of law.

The constitution should seek to articulate and entrench the fundamental principles and values on which a country is to be governed.<sup>1</sup> It should commit a country to democracy and include a guarantee of the right to participate in the political process without discrimination; the right to vote in secret, form political parties and stand in elections; and the freedom to hold rallies and to receive and impart information. It should determine, in outline, when, how and by whom elections are to be conducted.

There are clear advantages of including in the constitution both the principles on which a country's democracy is to be based and the nature of its electoral administration. The constitution, in articulating a people's political rights and the mechanisms through which such rights are to be realised, provides an indispensable protection against the erosion of democratic legitimacy.

A country's constitution – which sets such limits by defining the form of government and establishing the rules and limitations of the relationship between the executive, the legislature and the judiciary – is there to protect the sovereignty of the people. This separation of powers requires a constitutional dispensation designed to ensure the legitimacy and integrity of these three branches of government and their ability to curtail each other's discretion, thus making arbitrary and abusive rule impossible.<sup>2</sup> The three branches of government must work to complement each other while, at the same time, holding each other in check.

In particular, it is the role of the judiciary, not politicians, to interpret the constitution and to ensure that it is respected.

## Constitutional change

Ill-considered constitutional change, especially when driven by short-term or selfish political interests, can destabilise the democratic process. Writing or amending the constitution, therefore, should only take place on the basis of a clear national consensus, following wide consultation, and normally supported by a two-thirds majority in parliament or a plebiscite. Such safeguards are there to protect a country from succumbing to arbitrary or undemocratic rule.

In countries where a dominant political party forms the government over an extended period of time, particularly when the ruling party commands a two-thirds majority in parliament, it is important that members and supporters of the party, the parliamentary and any extra-parliamentary opposition, and civil society in general, remain especially alert to constitutional changes that may erode the people's political rights.

## Giving democratic rights legal sanction

While the fundamental character of a country's democratic system is provided for in the constitution, the rights which the constitution promulgates need to be embodied unambiguously in statute law. Likewise, the details of its electoral arrangements, which may change over time, need to be dealt with in legislation and by regulation. Such legislation should, of course, always remain consistent with the principles and values of the constitution.

In most Commonwealth countries, and indeed in the majority of countries globally, the body responsible for election management is itself established through the constitution – which adds to the authority and prestige of the institution. In others, however, including some long-established democracies, such matters are dealt with under statute law.<sup>3</sup>

## 2.2 Elections

It is by holding credible elections to determine who will have a mandate to rule, and to elect those who will be responsible for passing legislation and for holding the government to account, that it becomes clear whether or not a country is truly democratic.

### Elections are the litmus test of democracy

Elections, since there is so much at stake for so many individuals and interest groups, are inevitably fraught with tension and potential for actual conflict. Not surprisingly, therefore, they often provide the litmus test for democracy. It is the moment one can see most clearly if people are really able to exercise their fundamental human rights in regard to freedom of association and expression. In practice, however, these freedoms are sometimes so constrained, hedged or even abrogated, especially by the executive arm of government, that the process can lose much of its democratic character.

A lack of respect for the basic principles of democracy – accountability, openness, candour, public disclosure, honesty, fairness and respect for the law, which needs to apply equally in all sectors of society – means that some governments come to power (or remain in power) with at best tainted legitimacy.

### **Respect for the legal framework**

The constitutional, legal and institutional framework for elections needs to reflect the values, culture and history of each society. It must be consistent with a country's regional and international obligations, reflecting the Commonwealth's core values and principles, and should provide a strong bulwark against legitimising fundamentally flawed elections. It is for this reason that the legal framework must at all times be respected, both in letter and in spirit.

In designing such a framework, it is important to be explicit about the principles and values on which it is to be constructed. Justice demands, for instance, that the worth of each person's vote should be of broadly equal value. This criterion may have consequences for choices about the design of the electoral system or the mechanisms used for drawing up electoral boundaries. These are not just 'technical' issues, because bad decisions may have unjust or perverse consequences. It is important, therefore, that there should be wide and informed public debate on such matters.

Elections must then be organised in strict accordance with these national laws, rules and procedures. Any material deviation from the law, or from the regulations or the electoral calendar established under the law, opens an election to potential challenge. Any substantive lack of compliance with the legal framework should not be tolerated.

This is not to say, of course, that minor infringements of the regulations, especially during the heat of an election campaign, should be used to undermine an otherwise credible election. The test is whether or not any failure to follow the letter of the legislation or regulations arose from an election management body's desire to protect the political rights of voters or candidates; whether it was applied fairly to all; whether any such failure materially disadvantaged particular candidates or parties; and whether or not such infringements in practice unfairly influenced the outcome of an election.

### **Confusion is the friend of the manipulator**

The overall authority and responsibility of an election management body to deliver credible elections should be spelled out clearly in the constitution or in statute but, equally importantly, its specific powers and responsibilities need to be clearly articulated in legislation. The election management body should be empowered to issue regulations on the conduct of an election without political interference.

Those who might wish to manipulate the electoral process often seek to create confusion and uncertainty about the legal framework, regulations and practical arrangements for elections. The involvement of a multiplicity of agencies, especially when they have unclear or overlapping mandates, is also a recipe for such confusion and manipulation.

## Competence

An election is a complex – and expensive – logistical and administrative undertaking, which must be completed within a strict and inflexible timeframe. By the time an election takes place, huge numbers of electoral staff may have to be mobilised, trained and deployed. Sensitive and non-sensitive electoral materials must be made available to (and retrieved from) polling stations in remote areas in a timely and secure fashion.

Therefore, high-level management and professional skills are essential in order to guarantee that all this happens competently and efficiently. Even seemingly small administrative failures can have a disastrous impact on the credibility of an election.

## Freedom to participate

The election management body must be able to sequence and control this complex array of interrelated processes and activities: the registration of political parties; the delimitation of electoral boundaries; the registration of voters; the nomination of candidates; overseeing the election campaign and the fairness of media coverage (especially in regard to the public broadcaster); and polling, the counting of votes and the transmission of results.

If this were not difficult enough, all these activities must be undertaken under the glare of public scrutiny. Political parties, candidates, voters and civil society bodies in general must be allowed – indeed encouraged – to follow these many processes carefully. Efforts to constrain such participation unfairly through administrative or bureaucratic means or, more seriously, through intimidation, violence or the threat of violence, must never be tolerated.

*Voter information* campaigns are important to ensure people understand the mechanics of the electoral process, especially where and how to register and vote. Where necessary, voter and civic *education* can play an important role in helping to build confidence in the integrity of the electoral process overall, and in ensuring that people understand and are able to exercise their democratic rights.

## Complaints and disputes

During these processes, infringements of the electoral law, or of any codes of conduct, need to be dealt with quickly and judiciously; and, after the results have been announced, petitions against the election outcome need to be addressed and determined speedily. It is essential, however, once the full results have been published, that parties are given reasonable time to prepare and submit such petitions.

The legal framework, therefore, needs to provide mechanisms for dealing with electoral complaints and disputes that are timely, transparent and impartial. At times, there is the risk that the normal court system fails to provide effective redress. Dedicated election tribunals, or administrative action on the part of the election management body, often linked to mediation, are more likely to be effective. Electoral

complaints, whether dealt with by the election management body or through such tribunals, need to apply a 'civil' rather than a 'criminal' standard of proof.

Those whose political rights have been trampled upon deserve speedy and effective redress – it is not sufficient that such matters should be left until the election has become a fact of history.

## 2.3 Role of the election management body

Whether or not an election management body is established through the constitution or by statute, it needs clearly and unambiguously to be above the fray. Why? Because experience shows that this is the best way to guarantee a fair election.

### Creating a level playing field

Elections, if they are to be credible, must provide an open and fair contest among all those political parties (and individuals) who wish to compete for office – treating those who occupy government positions on an equal basis with the opposition.

Independence is essential if the election management body is to establish such a level playing field for elections. All parties, and candidates, must be treated equally. The rights of citizens not just to vote, but also to hear from and interrogate those seeking electoral office need to be respected. Parties must be permitted to campaign peacefully without interference from the state. An election must be a competition among political parties, and candidates, not an unequal contest between the state on the part of the ruling party and the opposition. In a contest of that nature, only one side is ever likely to win and, given its evident unfairness, this provides fertile ground for future conflict and instability.

### Control of the electoral process

Experience, including within the Commonwealth, shows that the best way to achieve a fair contest is by creating a truly independent, constitutionally protected and well-resourced election management body with effective control over all important aspects of the electoral process. Where other institutions are involved – for instance, for the delimitation of electoral boundaries – it is essential that the election management body be fully involved in their work. The election management body must assure itself, and reassure society in general, that these activities have been undertaken in a fair and transparent manner.

### Non-partisan

Those responsible for running elections must, in the first place, ensure that the electoral administrators under their authority, as well as electoral staff recruited for registration or polling, are both non-partisan and competent. Election managers and staff, from the highest to the most junior, must fully understand and accept the absolute requirement to behave with impartiality and fairness at all times.

## Open and candid

The election management body must be completely open and candid in regard to its own procedures and activities. To this end, it must establish effective lines of communication with all important stakeholders, notably the political parties and candidates, through which all aspects of the electoral process can be discussed. The onus is on the election management body to make available all relevant information and documentation, so as to ensure absolute confidence in the electoral process.

## Taking responsibility

Normally, an election management body is constitutionally tasked with conducting elections that are, in the time-honoured though problematic phrase, 'free and fair'. To the extent that inadequacies in the electoral framework make it difficult – if not impossible – to meet this standard, it should be the responsibility of the election management body to bring such concerns to the appropriate authorities.

## Accepting election results

In the end, it is the willingness of political parties to accept the results of an election as fair, and therefore to recognise the legitimacy of a new government, which marks real success on the part of the election management body. Such legitimacy provides the basis for any such new government to assert its authority and makes political co-operation possible.

The costs of failure, on the other hand, where the outcome of an election is seriously challenged, can be devastating to peace and social harmony, and may well foreshadow long-term conflict and instability. Economic and social development is likely to be stymied in the event that a government comes to power without the requisite democratic legitimacy.

Political parties and their supporters will be more inclined to accept the results of an election if the election management body is generally seen as being impartial and competent: the higher it is held in public esteem, the more difficult it is for parties to dispute the fairness of the elections it conducts.

Of course, this need not always be the case – and parties may reject the result of an election whatever the qualities of the election management body, even if the electoral environment is generally regarded to have been fair. In such circumstances, it is a matter for the state and for local, regional and international opinion not to waver in defence of constitutional proprieties.

## 2.4 Conclusions

The temptation to seek unfair advantage in the competitive environment of an election is commonplace. It is essential, therefore, to have in place robust structures which ensure that the costs of succumbing to such temptation is too high, even for the most powerful.

This is not easy to achieve. A country can have a perfectly acceptable constitutional and legal framework, establish a nominally independent election management body, which speaks the language of democratic propriety, while at the same time, for instance, allowing the ruling party to manipulate the system to such an extent that other stakeholders lose faith in the electoral process.

Other countries, by dint of respect for traditional conventions, or the moral leadership provided by a charismatic leader, can deliver perfectly credible elections, even though they lack the most sophisticated management systems or an adequate constitutional framework.

It is, therefore, essential that there should be a robust national debate about these issues. Sometimes those in authority may not fully comprehend the constraints that a functioning democracy needs to place on those who seek to wield power on behalf of the people.

Either way, an informed, educated and mobilised electorate can do much to achieve compliance. In this regard, appeals to international standards, including those of the Commonwealth, are crucial for those struggling for reform to promote credible elections.

Professional politicians, and other public servants, need to understand and accept that their ability to influence the electoral process will be constrained by the election management body. For that to be the case, the threat of robust action in response to misconduct or malpractice must be credible.

## Notes

- 1 Not all Commonwealth countries can point to a single constitutional document. The United Kingdom, for example, a constitutional monarchy, has no codified constitution. Its 'unwritten' constitution is the sum of various laws and principles. These laws and conventions concern both the relationship between the individual and the State, and the functioning of the legislature, the executive and judiciary. Parliament (or, technically, The Queen in Parliament) is sovereign, rather than any law or constitution,
- 2 See: *Commonwealth Principles on the Accountability of and the Relationship between the three branches of Government*. These principles – endorsed by member governments – were developed with the support of the Commonwealth Lawyers' Association, the Commonwealth Legal Education Association, the Commonwealth Magistrates' and Judges' Association and the Commonwealth Parliamentary Association.
- 3 The United Kingdom, for instance, created an Election Commission by statute in 2001. Although independent, it has very limited competence, confined mainly to regulating political parties and election finance. The Commission also sets performance standards for returning officers and referendum counting officers, and has a statutory duty to produce reports on the administration of certain elections (for example, UK parliamentary general elections) and may be asked to report on other types of election (such as local government elections). The Commission, therefore, does not meet the normal standards of a truly independent election management body. Elections in the UK, which are administered by the local authorities, are widely respected as credible by stakeholders. In contrast, the Election Commission of Namibia, although also created by statute, is a more fully-fledged and independent election management body.

## Chapter 3

# The Powers, Functions and Responsibilities of an Independent Election Management Body

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The Commonwealth works closely with election management bodies in all parts of the globe. It has, for instance, and in response to requests from the countries concerned, deployed a large number of election observation missions. It has also provided technical assistance and capacity-building support to strengthen the work of many Commonwealth election management bodies. Furthermore, the ‘Good Offices’ activity of the Secretary-General, which seeks to support countries experiencing specific political difficulties, often focuses on problems relating to functioning of the democratic system and the role of elections.

More recently, through the Commonwealth Electoral Network, the Commonwealth Secretariat has convened a series of working groups, made up of senior officials drawn from election management bodies across the Commonwealth, to explore many of the major challenges that countries confront in their efforts to consolidate democracy: the independence of the election management body; managing the power of incumbency; political party and campaign funding; voter education and participation; voter registration; vote counting, tabulation and the dissemination of election results; and the role of new (social) media.

It is in light of this experience that the Commonwealth offers these guidelines on the powers, functions and responsibilities of such bodies.

### 3.1 The meaning of independence

*The election management body must be independent and impartial, which means not being under external direction, control or subject to undue influence – including, and most crucially, on the part of the government, but also of financial (local or foreign) and other interests.*

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It is essential that the mandate of the election management body be cast in terms of ensuring free, credible and inclusive elections, in line with the constitution: elections that meet international and regional standards. Its role, therefore, is not simply to organise elections, but to act as custodian of the integrity and legitimacy of the democratic process – in order to protect the political rights of citizens.

An election, furthermore, is not just a discrete event, but also a complex set of interlocking processes that require attention and resources at every stage. It is best, therefore, that the election management body be permanent, rather than being created for each election – making it possible for it to be present throughout the electoral cycle.

It is also important that the election management body should have influence over all aspects of the electoral process. This means, in addition to responsibility for determining who is eligible to vote and to stand for election, the organisation of polling, and the counting and aggregation of votes, the election management body should have a role in the delimitation of electoral boundaries.

### 3.2 Composition and appointment

*The election management body must be composed of people who have the confidence of society as a whole. They should command the trust of the political parties, but not necessarily be drawn from them: selfish party interests, as far as possible, must be removed from the process. The mechanism for appointment to the election management body should be designed in such a manner as to achieve these objectives.*

*Members of the election management body should be protected by and subject only to the constitution and the law – they should be removable only for cause.*

*Ideally appointees should not be persons whose further career advancement may be dependent on their performance as members of the election management body.*

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The criteria and procedures governing the composition of, and appointment to, the election management body, as well as those for disqualification or removal, must be clearly spelled out in the constitution or in statute law, which should also define the powers and functions of the institution.

What matters most, however, is not the number of commissioners or the composition of the election management body, or even the manner of its appointment, but the political impartiality, integrity and competence of those selected to undertake this onerous task. A high degree of involvement on the part of the executive – or indeed of parliament, especially when it is firmly controlled by a ruling party – in choosing who is to run the election management body, is likely to politicise such appointments.

Especially where trust is lacking, therefore, political parties often lobby for a system that allows them to appoint members. Such an approach has many drawbacks. It tends to politicise the institution and invariably leads to acrimony or deadlock. It is better to select people not on the basis of political affiliations, but in terms of their high standing within society. They should be people who carry moral authority and are known for their wisdom and common sense. It is advisable also to include a senior and respected member of the judiciary.

There should be a mechanism, independent of the executive, and preferably involving the legislature and the judiciary, responsible for selecting the chairperson and members of the election management body. The best approach is that these posts should be advertised and appointment to them should be subject to public scrutiny. To this end, it is important to allow sufficient time to ensure that political parties, and civil society organisations generally, can be fully involved in the process. It is a good idea to allow members of the public to submit written objections to a particular

candidate or candidates. Although the head of state might formally make such appointments, those chosen must be firmly independent and generally recognised as such.

The chairperson and members of an election management body, once appointed, should not serve at the whim of the executive or of parliament: they, and especially the chairperson, must be given security of tenure within legislation. Normally, the criteria for removal should be identical with, or similar to, those for the removal of a senior member of the judiciary. Such protection from dismissal, except within the terms of legislation and following defined procedures, is important in securing the independence and neutrality of the election management body.

There are no strict rules on the size of an election management body, but there are clear advantages in ensuring it is not too large and unwieldy. In some places a single person is, or has been, responsible. In others, a relatively small group of eminent persons are charged with overseeing the electoral process.

Clearly, there is a balance to be struck among the sometimes conflicting objectives of securing wide representation, effectiveness and economy. In all cases, however, issues of gender equity should be an important consideration. The complexity of a country's geographic, social and political characteristics may also need to be taken into account. In post-conflict situations, or where there are historically disaffected communities, it may be necessary – in order to encourage reconciliation and build confidence – to increase the size of the body.

Successful candidates are generally not selected on the basis of their electoral expertise. It is important, therefore, to ensure that a highly professional chief electoral officer is appointed. The members of the election management body should act as the policy organ, leaving day-to-day management to a cadre of well-trained and highly motivated election professionals.

The vexed question of whether or not all or some of the members of an election management body need be employed full-time depends on local circumstances. Clearly the question of cost would be one consideration in making such a decision. It is also important to think about how these people fill their days in discharging their responsibilities, without becoming involved in matters about which they have no particular competence. One solution is the delegation of oversight responsibilities for particular activities to individual commissioners, but this too can be problematic and has, on occasion, led to conflicts of interest and accusations of patronage.

### 3.3 Powers, functions and responsibilities

*The role and authority of the election management body, as well as the tenure of its members, should best be defined and protected in the constitution. If its independence is to be secure, its specific competencies, powers and functions need then to be enacted in legislation.*

*Such legislation needs to provide the election management body with the powers to make policy, both to conduct the elections and for the wider role of building up a democratic culture in the period between elections.*

Detailed legislation needs to be enacted, therefore, to ensure that the principles enunciated in the constitution – covering all aspects of the electoral process, including its fairness – are made a specific responsibility of the election management body and can be effectively challenged in the courts. The legislation must spell out the institution's powers, functions and responsibilities.

These specific powers and functions, and how they are defined, vary widely across the Commonwealth. Best practice, however, suggests that in order to undertake the responsibility to deliver free, fair and credible elections, an election management body must have influence over the entire electoral process. This includes responsibilities for critical processes such as:

- *The delimitation of electoral boundaries:* This appears to be an essentially technical – but is in fact a highly political – exercise that can have a significant impact on the outcome and fairness of an election. Boundary delimitation, which should – as far as possible – ensure equal weight is given to each vote, needs to take place on a regular basis. The process must be undertaken in a transparent manner, facilitating full public participation, against criteria clearly defined in the law. In many Commonwealth countries, delimitation is not within the mandate of the election management body. Even so, it is essential that the election management body is associated with this work and, in the end, is in a position to guarantee the fairness of the process. Otherwise, the outcome of any election may be open to challenge.
- *The registration of voters:* The law must establish who is entitled to vote. The objective of registration is to capture all eligible voters – but only those who are eligible – on the voters' roll. The integrity and inclusiveness of an updated voters' roll is fundamental to a fair election. Any suggestion that particular groups – for instance, rural or urban voters, certain regions of the country, minorities, opposition supporters, women or young people – are not being treated fairly, will compromise an election. Whoever undertakes the registration of voters, and it is best that the election management body does this, it is essential that the election management body is in a position to guarantee the integrity of the voters' roll. The voters' roll, subject to whatever arrangements are necessary to protect privacy, should be publicly available in good time to allow for scrutiny and use by the political parties for campaigning. It is an essential tool for good electoral planning.
- *Political party formation, registration and oversight:* Political parties are essential to the functioning of a modern representative democracy. Their registration and regulation is best undertaken by the election management body. Again, this must take place against clear and transparent laws, regulations and procedures, implemented in a non-discriminatory and prompt manner. The election management body needs then to establish a permanent dialogue with the political parties on all aspects of the electoral process. Such a dialogue should include: issues relating to the code of conduct for campaigning; the implementation of regulations on party funding and disclosure; and collective efforts to build a democratic culture – most notably in regard to internal party democracy and candidate selection.

- *Party and campaign finance:* Political parties cannot operate without raising significant amounts of money for their operations and election campaigns. Public funding of political parties can help. Such funding should be designed to strengthen multi-party democracy, rather than simply to entrench incumbency, and also to encourage financial support for political parties from the public.

Even where state financing is available, parties look for funding from other sources, including local and foreign commercial and other interests, bringing with it the risk of influence peddling. Ruling parties are particularly well placed to benefit from such abusive fundraising activities. It is most important to ensure effective disclosure of party and campaign financing. Consideration also needs to be given to limiting the size of donations and regulating (or banning) foreign funding.

Often, election management bodies do not have a specific mandate to regulate party and campaign funding and, even where they do, they lack the resources necessary to monitor compliance. As a result, spending by political parties and candidates is frequently not properly checked. Candidates, whether party sponsored or independent, therefore, sometimes pay scant attention to the accuracy of financial reports or of the legal timeframe for submission of expenses returns.

- *Nomination of candidates:* The law must establish who is entitled to stand in an election. The election management body must then have the power to validate the nomination of candidates and/or, depending on the electoral system, of parties. The rules must be clear and the procedures, including timeframes, followed to the letter. There should be no unnecessary hindrance to individuals standing for election, either on behalf of their chosen political party or as independents.
- *Regulating election campaigns:* An openly contested election, in which voters can freely engage with all those seeking their support, without fear of intimidation and on a basis of equal treatment of all parties and candidates, is essential in any democracy. Political competition needs to take place within certain agreed rules in order for an election to be considered credible. The elaboration of codes of conduct can be helpful in this regard and should cover: the behaviour of political parties; the activities of state institutions in the run-up to and during an election; the manner in which the media (especially any state broadcaster) and social media cover or otherwise intervene in the campaign; and the role of civil society voter education or observation initiatives.

The consultative process involved in drawing up or revising such codes can be an important mechanism for ensuring ownership on the part of the political parties. Such codes, which should apply to the government as well as to political parties, may be gazetted as part of the regulations or their substance covered in relevant sections of the electoral legislation. The code or related regulations should provide detailed guidelines to control the activities of the party in power, as well as those aspiring to gain public office, during the electoral process and should be vigorously enforced.

Such codes should provide for parties to meet periodically with the election management body to resolve any difficulties that may have arisen, and more frequently during the election period. This forum can also be used to resolve

inter-party, and even intra-party, disputes or to help develop alternative dispute resolution arrangements.

- *Compliance:* The election management body must have the authority and the resources to monitor all aspects of the electoral process. Equally important, it needs the capacity and the will to demand compliance with the electoral law, including electoral regulations and codes of conduct, promptly during the election campaign. It must be proactive in seeking out and seeking to resolve such breaches through consultation and mediation, before reverting to punitive measures.

Firm action is required to counter any suggestion that a culture of impunity has been permitted to take root due to a failure to prosecute offenders who commit breaches of the electoral law. Any connivance in breaches of electoral regulation or rulings by an electoral officer or police should be dealt with promptly and publicly. Prosecutions should be vigorously pursued without fear or favour and the results duly publicised.

- *Adjudication:* The tariff of punishment for illegal or corrupt practices, including electoral fraud, should be strictly applied. These powers must be applied impartially, which can prove a challenge in countries where a culture of impunity has been allowed to take root, shielding those who are politically well connected. Nonetheless, it is a challenge that must be confronted. It is important that infringements of the electoral law, or of any other regulations, should be dealt with quickly during the election campaign, preferably by the election management body. Putting off such adjudication until after the election, when electoral petitions are heard, can lead to grave injustices. Such adjudication, furthermore, needs to be dealt with through administrative rather than criminal means:

*The election management body should have specific powers to adjudicate disputes and, where necessary, apply sanctions against those who cheat or who fail to comply with its decisions. Alternatively, a judicial mechanism needs to be put in place which is specifically designed to provide immediate remedies. Either way, effective sanctions for electoral malpractice must be available, but need to be thought out carefully and applied judiciously.*

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- *Polling:* Every effort must be made to maximise participation. It is essential to ensure reasonable access to polling stations, or whatever other mechanisms are available for voting, and to guarantee the absolute secrecy of the ballot. It is particularly important to prevent parties intimidating voters by suggesting they may be victimised after an election. Equity in the distribution of polling stations around the country (among regions and between urban and rural areas) is also essential. Preventing voter fraud, through measures to combat intimidation, undue influence, attempted multiple voting, impersonation and 'ballot stuffing', is essential.
- *Counting of votes – their transmission, aggregation and the announcement of results:* The election management body should be charged with the responsibility to count,

tabulate, aggregate and announce results and must do so with accuracy, speed and integrity. The counting of votes should take place in a manner likely to enhance confidence. For instance, where there is no danger that particular communities might be victimised, by counting the votes at polling stations and immediately publicising the results. These results then need to be transmitted securely, aggregated accurately and announced promptly (for each polling station). Any unnecessary delay is likely to create uncertainty and may provoke social unrest.

- *Voter information and civic education:* The election management body should be responsible for carrying out or co-ordinating voter and civic education in an impartial manner. Such public education has three primary objectives: to impart information (for instance, to tell people they must register if they wish to vote); to build confidence in the electoral process (for instance, by reassuring people of its credibility); and to help create a democratic culture (for instance, by encouraging political tolerance and informing people of their rights and responsibilities).

In addition to these education programmes, civil society organisations may play a useful role in sponsoring non-partisan voter information and civic education initiatives. Such programmes should be carefully monitored to ensure that they are consistent with the guidelines and codes of practice established by the election management body.

It is also advisable that the election management body should have responsibility in the following areas:

- *Legislation:* In some Commonwealth countries, election management bodies have a responsibility to review relevant election-related legislation. This can make an important contribution to improving the legislation and helps ensure that the body responsible for organising elections is fully confident in the coherence, comprehensiveness and fairness of the overarching legal framework.
- *Regulations:* No body of legislation, however comprehensive, can address every eventuality thrown up by an election and it is, therefore, necessary to make regulations concerning the administration of the process. Such regulations help to provide a clear and detailed election management framework, which can then be further elaborated and simplified in the election manuals used by election officials (and made available to all stakeholders). However, the drawing up of such regulations should not be subject to political influence. To that end, in a number of Commonwealth countries the election management body has the power, where appropriate, to make such regulations. It is important that they be comprehensive, issued well in advance, and should be numbered, dated and made easily available to the public.
- *Electoral calendar:* Once the date has been set for an election, and in order to ensure transparency, the election management body should prepare and make available a comprehensive timetable of each step in the electoral process. Its primary purpose is to ensure that all statutory or administrative deadlines are respected. This should include deadlines for: the closure of the voter register; the

nomination (and withdrawal) of candidates; publication of lists of candidates; publication of the voter register; acquisition of electoral materials; packaging and distribution to polling stations; and publication of lists of polling stations. The election management body should also consider issuing a public notice that the various steps in the process have been completed and in a manner consistent with the timetable. These notices, together with information about the actions taken, such as the list of constituencies and candidates' names, should all be placed on the election management body's website for public information.

Clearly, it is the job of an election management body to protect the democratic process and the political rights of citizens. The legal framework, therefore, should make the election management body responsible for guaranteeing the integrity of the electoral process. It must ensure that partisanship, inefficiency and corruption are not tolerated and that breaches of the electoral law are dealt with judiciously. Impunity, especially for those exercising authority over state institutions, must never be tolerated.

Although an election management body must be a powerful and independent institution, it too needs to be accountable to more than itself. Its activities should be reviewable by a judicial or other body in a manner that does not compromise its independence or effectiveness. Regular reporting to and scrutiny by parliament, especially following an election, should be the norm.

### 3.4 Taming incumbency

The government in power has many natural, and perfectly legitimate, advantages compared to its electoral opponents. There is a persistent danger, however, that governments will seek to use the power of incumbency in ways that unfairly disadvantage the opposition.

Given the responsibility of the election management body to provide a level playing field for the electoral contest, it is hardly surprising that relations with the incumbent government can be fraught with difficulties and tensions. It is important that the 'rules of the game' governing how these relations should be handled are clear and concise. These rules need to remain fully consistent with the Commonwealth's core democratic values and principles, especially transparency, accountability and inclusiveness

The following guidelines, which are based on Commonwealth experience, seek to draw out some of the practical implications of a country's commitment to holding credible elections. These principles have profound implications for the work of any election management body as it seeks, in consultation with all stakeholders (and notably the government of the day), to draw up regulations and codes of conduct to govern the conduct of elections.

Some of the issues covered, for instance the one dealing with how the date for elections is determined, may fall outside the direct authority of an election management body, but even so should be matters of concern to electoral managers and subjects for discussion and consultation with stakeholders.

General principles on incumbency:

- **Elective public office is not for life**

Where they exist, limits on the number of times a person may serve as head of government, entrenched in the constitution and only to be overturned by a two-thirds majority of the National Assembly, can provide an important safeguard against the abuse of incumbency. The Commonwealth Electoral Network Working Group on Incumbency went further and suggested that such term limits should be unchangeable by any means, including by ordinary constitutional amendment, court decision or even referendum.

- **Opportunities for arbitrary rule should be severely restricted**

The incumbent should be unable to resort to the use of arbitrary powers, except in very limited circumstances – for instance, following a catastrophic natural disaster or during wartime – and under stringent conditions. During a state of emergency, or the exercise of similar extraordinary powers, the constitution needs to provide guarantees for the political rights and freedoms of citizens.

Parliament should determine whether or not the conditions authorising a state of emergency have been met and to approve any state of emergency, or its renewal, through a ‘supermajority’. The incumbent needs to be prevented, in such circumstances, from dissolving or extending the term of parliament, amending the constitution or ruling by decree.

- **Public officials should disclose their assets and business appointments should be regulated**

The disclosure of assets helps to avoid some conflicts of interest arising from incumbency. Mechanisms need to be put in place to ensure transparency and to establish sanctions for non-compliance. The information should be publicly available.

State institutions must remain neutral in the electoral contest:

- **The neutrality and professionalism of the public service must be respected**

Civil servants should act with complete impartiality during the election and see it as their duty to enhance the openness and credibility of the entire electoral process. They must avoid any activity which might call into question that impartiality.

During an election, they should be even-handed in dealing with political parties and candidates. In the provision of factual information or briefings, for instance, public servants should be advised to respond to requests from all parties and not just the ruling party. Guidance should be provided on such matters.

- **The neutrality of the security and intelligence services must be respected**

The army and the police should be above the political fray, especially during an election period, and not used to further the interests of the ruling party.

Special security arrangements are needed to protect the head of state when campaigning. However, these arrangements should not give the impression that

such campaigning is a state event. As a matter of equity and prudence, the leaders of the other political parties should be offered similar protection by the security services, the precise nature of which would depend on the assessed level of risk.

National security and intelligence organisations, which by definition operate in a secret fashion and are not necessarily subject to full-disclosure accountability mechanisms, are often – at least in the public consciousness – closely linked to their political masters. It is important to ensure that these bodies remain studiously impartial and non-partisan, especially during the electoral period.

It is important that state resources are not inappropriately used for party political ends:

- **Public resources should not be used for party advantage**

It should be clearly spelled out and well publicised that public resources must not be diverted to serve party political ends. The ruling party should not use government resources for electioneering, except on the basis of equality or equity with other parties. Arrangements should be put in place to ensure equity in the use of such facilities, particularly in relation to rationing the use of key meeting places at prime times and access to public broadcasting.

A country's laws governing the management of state assets, and its anti-corruption regulations, invariably prohibit the misuse of public resources. These matters should be drawn to the attention of all public officers at election time. It should be stressed that any breach of the rules will be dealt with immediately and will have negative consequences for the party or candidate concerned.

- **Official facilities should not be mobilised in support of electioneering**

Ministries and the private offices of the government ministers should not be used as an adjunct to the party campaign machinery. In some countries, ministers use their offices to organise party and personal campaign activities and this should be prohibited as a Commonwealth norm.

The public service should provide detailed regulations to all civil servants on the demands a Minister might be able to place on them in regard to that Minister's political activity.

- **Government transport should not be commandeered for party purposes**

The use of government vehicles should be carefully monitored and controlled in order to stop abuse. Ministers may occasionally require official vehicles for security reasons and for related public duties during an election campaign. If so, this should be clearly spelled out in the regulations.

At the local level, particular attention should be paid to the use of government-owned vehicles by the incumbent party to support its election campaign. It is important to ensure that government officials and state employees generally are aware of this prohibition. It may be necessary to issue specific instructions, followed up by a public information campaign, to stop abuse.

- **Government public information facilities should not be abused**

The government has the responsibility to inform the public about its activities. It must be careful, however, during the run-up to an election – and, in particular, during the campaign period – to ensure that such official publications are not a disguised form of political party electioneering.

The government should not issue political advertisements for the ruling party in newspapers or other media at public expense. Nor should the state information department be involved in any way in the production of the party's manifesto or election campaign materials. The government should not use state advertising budget indirectly to subsidise publications which are sympathetic to the ruling party (or party-owned newspapers or magazines).

The rules governing the campaign period and campaigning itself should be fair:

- **The date of an election should be set in the national interest**

The principle in setting the date for elections should be to make it as easy as possible for people to cast their votes. In managing the electoral schedule, sufficient time must be allowed for parties to deal efficiently with the nomination process and to campaign effectively.

In some countries, the date is fixed by statute or by the election management body. More often, it is the prerogative of the incumbent government, within certain constitutional limits, to set the date at its own convenience. In that case, there must be sufficient time to ensure that an election can be efficiently organised. Care should be taken to avoid organising an election at times of the year that are inconvenient to the electorate (such as harvest time or rainy season).

Whatever the specific regulations, the general principle should be to ensure that the election date is fixed in a manner that allows for fair play, without giving any one contestant an unfair advantage. To that end, the incumbent should consult with the election management body – not just on the practicability but also on the suitability of the date, before making an announcement.

- **Rules governing the campaign period should be respected**

The code of conduct or other regulations should clearly define the electoral period and what constitutes legitimate campaigning.

Given the nature of modern politics, campaigning – at least on the part of the incumbent – often starts before an election date has been formally determined and announced. Issues of incumbency, and the need to keep matters of state separate from campaign activities, can arise even before an election date is announced. It is unfair if the incumbent, whose leaders – given the nature of their responsibilities – are in a position to begin active campaigning earlier, flouts this principle.

All parties, including that of the incumbent, should respect the time limit on campaigning. This must apply also to the head of state. Infringements should not be tolerated. Once an election has been called, even if the formal campaign period

has not yet started, the ruling party should take care not to misuse the advantages of office for narrow party political gain.

- **Government policy and new spending commitments should not be announced during the election period**

The incumbent has the period in office to announce government policies and spending commitments. Once an election campaign has started, the public profile of government should as far as possible be reduced. Government ministers should not have their party affiliations displayed when appearing on television in their official capacity.

Government representatives and officials should not normally announce new policies nor, more importantly, publicise new spending commitments during an election campaign. Guidance should be provided on such matters, making it clear that public officers should not seek to influence voters on behalf of the incumbent government.

- **Official visits should not be combined with electioneering**

Government ministers should not combine official visits with electioneering. Again, this practice is unfair to the opposition parties and creates confusion in the minds of the electorate regarding the distinction between the government and the ruling political party.

Since the mass media plays such an important role in any election campaign:

- **The state-controlled media should not be partisan**

Almost invariably, the state broadcaster – which is normally funded largely out of the public purse – wields a particularly powerful influence during election campaigns. It is necessary that the incumbent should not misuse the state-owned media in order to secure partisan coverage of political news or free publicity for the party so as to further its electoral prospects unfairly. Equity in regulating party political broadcasts is not normally the main issue of contention; the balance of news coverage tends to be more important.

The election management body should develop codes of conduct covering media coverage and should ensure that such coverage is carefully monitored. It must be proactive in demanding that the rules are respected. Awareness that the election management body is serious in ensuring compliance will have a powerful impact throughout the media sector.

- **The news media should not be harassed**

Especially during the campaign period, the state should not abuse its powers by limiting or unnecessarily restricting the activities of commercially owned media outlets. Obviously, at the same time, commercial and social media have a responsibility to respect and abide by the media code of conduct.

Social media is now a powerful tool in the hands not just of civil society and political parties but also the state. Government efforts to control and domesticate

social media, notwithstanding whether this is appropriate in principle, are unlikely to succeed for technical reasons. This means that governments will find it increasingly difficult to set the political agenda unilaterally.

The best approach is to embrace change and explore and exploit the opportunities which these new technologies offer to government and political parties to convey their messages.

- **The integrity of the electoral process must be respected**

It is important to ensure that ministers, especially those responsible for finance and justice, do not use their government positions to try and influence the election management body. They should not, for instance, enter any polling station or place where votes are being counted, except in their capacity as a candidate, voter or party agent.

Finally, however difficult and painful, the results of credible elections must be respected by the incumbent and, of course, by the other contesting parties or individuals. This is much easier to achieve where strong and independent institutions exist, with clear lines distinguishing the authority of the state from that of the ruling party. Major problems arise when the state and the party are in practice, if not in theory, fused together.

### 3.5 Staffing and funding

*The election management body must have:*

- *Adequate funding, assigned by parliament and not subject to arbitrary control on the part of government.*
- *Appropriate staffing, accommodation, facilities for training and equipment.*
- *The power to appoint its own personnel with effective control over any seconded members of the public service. The tenure of senior staff members should also be protected.*

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An election management body can only carry out its responsibilities effectively if it is appropriately funded and can call on the services of an adequate, and adequately trained and experienced, cadre of election staff.

#### Staffing

To underscore the independence of the institution and make clear that any failure in the areas of management and logistics is its responsibility, it is best that election management bodies should have the power to hire, dismiss and discipline staff.

It may be helpful to include in the legislation that establishes an election management body a code of conduct covering the ethical standards required of all its members. Such a code should cover the absolute need for political neutrality and personal probity. As is the case for all public officials, only even more so, any suggestion that financial

gain or career advancement is the primary motivation of electoral officials will greatly diminish the credibility of an election management body: the danger of political or financial conflicts of interest, or even the public perception of such conflicts, needs to be avoided. The proposed code should apply to all permanent and temporary staff.

Staff members need to be recruited and deployed within the framework of a clear and transparent strategic plan, and in a manner consistent with human resources best practice. Open selection on the basis of merit, non-discrimination, community sensitivity and gender balance should be the yardstick for recruitment. Members of staff need to be screened to ensure that they fully understand and accept the requirement to be non-partisan in carrying out their responsibilities at all times.

Where staff members, including temporary personnel, are seconded from the public service, it is essential to avoid divided loyalties. These officers should be deployed by – and solely responsible to – the election management body when involved in all election-related matters. They must operate under the authority of the election management body and be subject to its disciplinary and dismissal powers. Where there is serious concern about the impartiality of the public service, it may be better for the election management body to recruit such staff direct.

A comprehensive strategy for staff development, designed to build a strong skills base and retain key personnel, is an essential responsibility of any election management body. This should include clearly worked-out strategies for the recruitment and training of temporary staff in a manner designed to ensure that these skills can be retained for future elections. Especially when jobs are universally hard to come by, it is essential that appointments should be made only on merit (although always, of course, taking into account issues of gender, ethnic, regional and other relevant equities).

## Funding

Elections are costly. The amount of money required rises dramatically in those years when an election is in prospect. It is the responsibility of the state to ensure that adequate funds are provided in a timely manner. In practice, however, problems are often experienced, especially in securing in good time sufficient resources to cover the essential processes necessary to prepare for major electoral activities, such as voter registration. It is important that funding should be organised around the entire electoral cycle and not focussed just on discreet electoral events.

Equally, however, it is the responsibility of the election management body to ensure that it uses these funds responsibly. Expensive investments (for instance the purchase of high-tech equipment) should always be carefully assessed and clearly justified. The Commonwealth's core principles of transparency, integrity, inclusiveness, accountability and sustainability should characterise all aspects of financial management.

The best approach to securing the core costs of the election management body is a line item in the national budget, released direct by the national treasury. Such a procedural approach, however, is no panacea without a firm commitment on the part of the authorities to ensuring that such funds will be available in a timely manner. The

election management body should also have the power to ensure that election-related costs falling on other state institutions – for instance, the police or local authorities – are met in full.

Without such financial autonomy, there is always a danger that the government of the day may use any control it has over funding to influence or manipulate the election management body – thus undermining its independence or public perceptions of its independence. To avoid such situations arising, mechanisms should be put in place to prevent government ministries from micro-managing the flow of allocated funds. It is particularly important that the election management body has the resources immediately available to cover essential election preparation expenses, including for paying polling or registration staff.

The election management body, working closely with relevant government institutions, needs to have the expertise and capacity to draw up realistic budgets – for both recurrent costs and election-related expenses – in line with national budgeting requirements. There are strong arguments that budget approval should reside with parliament.

Procurement procedures, while remaining completely open and competitive, must be sufficiently flexible to permit the purchase of essential election materials without undue delay. To avoid accusations of corruption, the value of the goods and services that can be purchased without a public tender should be set at a low level. Budgeting, disbursement and procurement arrangements, which should be overseen by parliament, need to be transparent to all stakeholders and notably to the political parties.

The election management body is the custodian of scarce public resources. It must have in place robust mechanisms to control expenditure and manage its assets while providing full accountability, including through external review and auditing. These arrangements should be clearly spelled out in law or regulations, and must be respected. The election management body's audited accounts, and evaluations of its procurement of materials and equipment, should be open to public scrutiny without delay.

The election management body should strive to be recognised as a competent, efficient and cost-effective organisation. Taxpayers and citizens generally do not like to see the country's resources squandered, and may become disenchanted with democracy if the process looks like a mechanism for individuals and companies to enrich themselves. The election management body should, for instance, seek as much as possible to use local materials, goods and services whenever they can be acquired at comparative cost and quality.

### **Donor support**

Some Commonwealth countries remain heavily dependent on donor resources in running elections. It is important, however, that such support – though welcome and sometimes essential – should be managed in a manner which does not compromise national sovereignty or undermine the authority or priorities of the election management body.

A mixture of altruistic, political, economic or even commercial interests may well drive the generosity of donors, and especially bilateral donors. It is important that donor support be focussed in the areas of greatest need and aligned to the overall priorities of the election management body. Where donors establish joint funding mechanisms, for instance through basket-fund arrangements, it is essential that the election management body be fully involved in its deliberations and decision-making processes. The election management body should always be ‘in the driver’s seat’ in dealing with donors.

Donor support for the election-related or democracy-related work of civil society organisations should be completely non-partisan and take place in an open and transparent manner. Such assistance can play a positive role in helping to increase civil society participation in the electoral process. However, donors must keep the election management body fully informed of all such activities. Any restriction placed on the work of non-state organisations should not compromise their fundamental rights or the autonomy of civil society.

Foreign funding for political party campaigning is generally banned in Commonwealth jurisdictions. Where restrictions on foreign funding do exist, they should be applied equally to all political parties. Where donors are keen to provide training or capacity-building support for political parties, which can be beneficial, this should take place in a non-partisan manner. All parties should be treated equitably. Ideally, such assistance should be channelled through, or in partnership with, the election management body.

It is best that the election management body, rather than ministers who may themselves have an interest in the outcome of an election, should determine the role that donors might play in providing financial and technical support for the electoral process within the framework of the law.

### 3.6 Management and administration

*The election management body must administer itself with maximum transparency – consulting widely with all stakeholders (especially with political parties) and giving reasons for its decisions – and of course be accountable to the electorate within the law, with proper arrangements for parliamentary and, where appropriate, judicial oversight.*

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Being in command of the necessary human and financial resources does not, in itself, guarantee that an election management body will operate effectively and efficiently. For this to be the case, it must be competently administered, employing the best management tools available and the most appropriate technology so as to ensure optimum utilisation of these scarce resources.

It should also conduct its business openly and manage its operations in a transparent manner, including by releasing all relevant information about the electoral process to the political parties and other stakeholders in a timely fashion.

## Election management

Delivering an election is a huge logistical task that must be completed within a tight timeframe and against inflexible deadlines.

Strong leadership, capable of motivating staff and promoting democratic values, is essential. A primary task of such leadership is to create and retain a competent and disciplined management team capable of getting the most out of the human and financial resources available. The team must display high-level skills in planning, organising, staffing, directing, co-ordinating and controlling all aspects of the election management body's activities.

Keeping proper, accurate and reliable records of all election processes is essential. This entails an ability to retrieve information when required and ensure effective data security. It also means developing systems to facilitate public access.

Election records and related documents, equipment and materials should be stored securely, as stipulated by the law or by management, and should only be disposed of following approved procedures. Registration materials, in particular, should be easily available to voters. Nomination and polling documents, which may be required in court cases, must be secure and easily retrievable.

The computerisation of records and filing systems can greatly assist management. For non-computerised systems, accurate indexing and registry procedures are essential. Either way, the accuracy and reliability of the filing and storage systems should provide an audit trail of all important records.

There should be appropriate public scrutiny during the preparation, justification and approval of election budgets. The tendering of contracts for goods and services, including for technology purchases, should also follow procedures that require open and competitive tendering. In addition, accounts must be regularly and independently audited.

## Technology

Rapid advances in information technology are transforming electoral administration. There are many ways in which this technology can improve the efficiency and enhance the security of the electoral process, including through the application of computer hardware and software for word processing, spreadsheets and database management, as well as the application of modern information technologies in the areas of telecommunications, radio, networks and the internet.

The key practical areas where technology can help are: the demarcation of electoral boundaries; voter registration; candidate and party registration; voting and the counting of votes; and results reporting and transmission. These systems make it possible for senior management to connect with staff, even in remote areas, and respond immediately if difficulties arise. New technologies can also play a crucial role in improving voter information and education.

The benefits, if the technology is appropriately applied, include: the ability to process large volumes of data efficiently; reductions in staffing levels; improved accuracy

and the ability to identify errors more easily; increased speed in registration, voting and counting; reductions in or the elimination of incorrectly cast ballots; better access for people with disabilities; increased transparency; and, better fraud detection. Such technologies also tend to be environmentally friendly and more cost effective.

On the other hand, there are many possible pitfalls if the chosen technology proves inappropriate or is adopted without the necessary preparations. In such cases, the changes may prove to have been unnecessary, expensive and inefficient when compared to a manual system.

Additionally, serious problems may well be experienced in the training of staff, in the drawing up of effective procedures, in managing heavy recurrent costs, and in the provision of adequate technical support and ongoing maintenance.

### Technological failures and security vulnerabilities

Ill-conceived technical innovation may result in a potentially catastrophic systems breakdown if the technology fails because security vulnerabilities have not been addressed. The whole process may prove a distraction from dealing with other more important problems of electoral management. Introducing new technologies, furthermore, can be controversial and may risk losing public trust if stakeholders fear a loss of transparency in the electoral process.

To guard against such risks, it is essential that any new system complies with the constitutional and legal framework governing the electoral process. The chosen technology, which needs to be well-tested and ideally have a proven track-record, and must be appropriate for certain specific and well-defined operational purposes. It must be easy to manage, deploy, support and extend. The systems – which need to be environmentally, technically and financially sustainable – should be procured and piloted in a timely fashion, well before any electoral event.

The adoption of such technology should not be pushed through simply because it represents a status symbol or a proof of economic progress. Nor should its adoption be donor-driven or dependent on ongoing donor support. If this is the case, mistakes are almost certain to be made.

Finally, it is essential that the introduction of any such new technology is understood and supported by all stakeholders, notably the political parties. It must be clear that the general public will accept and have confidence in election results announced following the use of this new technology.

## 3.7 Popular participation

*The election management body should see maximising public participation in all aspects of the electoral process as a primary responsibility; and, to that end, has an obligation to provide comprehensive information to all interested parties in an absolutely open and impartial manner.*

An election is a national event of enormous importance to all sections of society. Each stakeholder, in its own particular ways, has a right to be heard and to participate in the process. The election management body must recognise and respect these rights and should develop strategies designed to realise them. People have the right to know what is being done in their name by the election management body.

Voters must be able to interrogate those seeking their support. Any constraints placed on the full participation of any group in society, including women, should be systematically rooted out; effective mechanisms need to be put in place to enhance the participation of the disabled and other marginalised groups in society. Political parties, which need to be internally democratic, have the right to campaign robustly and to be fully involved in all aspects of the electoral process. Civil society bodies have the right to observe what is happening and to help educate the electorate. The media has the right to place the actions of all stakeholders under close scrutiny.

The election management body, acting with absolute fairness and impartiality, should within the limits of its resources provide all of these stakeholders with whatever relevant assistance or information they request. The emphasis should be on disclosure, and it is those who wish to keep information confidential who need to justify their position. Even though new technologies do not necessarily reach all sections of society, they can ensure that all stakeholders have access to timely and reliable information from the election management body.

Imaginative programmes informing voters about the arrangements for the election can, in themselves, help build confidence in the process and in the election management body. Civil society bodies should be encouraged to participate in providing neutral voter education, and may be requested to act as an agent of the election management body in undertaking this task. It is helpful to provide a code of conduct governing such civil society activities.

There are tried and tested mechanisms to lessen the tensions which inevitably arise during an election campaign. The establishment of party liaison committees, which need clearly defined procedures, the adoption of codes of conduct, which need to be backed up with sanctions, and the provision of regular briefings from the election management body can all greatly help to lessen such tensions.

### 3.8 Election observation

*Bona fide election observers, including regional and international observer groups, can contribute positively to the electoral process. The election management body should encourage both citizens and, if they are present, international observers to provide a comprehensive assessment of its performance in reporting on the electoral event. The election management body should review and, where appropriate, act upon such recommendations.*

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Openness to observation is a sign of institutional transparency. There is always a great deal to learn from *bona fide* election observation initiatives, on the part of

both observer and election management body. Such initiatives provide an excellent mechanism to help propagate good practice. They can contribute to strengthening the independence of the election management body rather than undermining its authority.

Observers can also play an important role, especially where there are tensions, in helping to build confidence in the electoral process. For that reason, it has become international good practice to invite and accredit citizen and international observers to follow all aspects of the electoral cycle. Observers, who must respect the laws of the country and not intervene in the electoral process, should abide by the relevant codes of conduct.

Decisions about which international observer groups to invite, as well as regulations governing such observation, can prove controversial. The onus should be to welcome all those who are willing to abide by the rules. It is important that timely invitations are issued, and accreditation completed, in a manner consistent with clearly articulated criteria drawn up in line with international good practice.

### 3.9 Regional and international co-operation

*The election management body should co-operate closely with similar institutions at the regional and global levels, with the objectives of:*

- (i) raising standards through the exchange of information and experience;*
- (ii) ensuring consistency in approaches to improve the electoral process;*
- (iii) providing practical assistance (for instance, through the mutual observation of elections); and*
- (iv) providing moral support and solidarity in periods of difficulty.*

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There are considerable benefits to be gained from co-operation among electoral management bodies at both the regional and global levels. The Commonwealth Electoral Network (CEN) was established in 2010 to promote contact between national election management bodies and collaboration between them, especially in developing models of electoral best practice. The CEN also collaborates with regional and other groupings of election management bodies where possible.

### 3.10 Reform

*The election management body should have a responsibility periodically to review the functioning of the electoral process and legislation and make recommendations to parliament for improvement.*

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No country has a perfect electoral or democratic system. And no election management body is beyond review criticism. Democracy, and the efforts to realise this ideal through elections, are always a work in progress.

It is important, therefore, that the election management body should adopt a stance of constant self-assessment and should provide effective mechanisms to allow the views of all stakeholders on its performance to be recorded and evaluated. Its performance should also be the subject of debate within parliament.

More broadly, the election management body should be mandated to review periodically the extent to which the electoral arrangements in place are meeting the needs of the country and fostering a deepening of democratic culture.

### 3.11 Conclusions

Those responsible for running the election management body carry heavy and challenging responsibilities. The opportunities to corrupt members of the election management body are well-known – not just the crude sort of corruption involved in taking bribes, but especially the more insidious forms where rules are broken (sometimes only slightly) in the hope of some possible future personal benefit. At all times, especially when the blandishments of those in power are rejected, the election management body must be able to resist threats and intimidation.

It is of critical importance that the administrative culture of the election management body should demand the highest standards of personal integrity and honesty on the part of all members of staff. If the ‘powers-that-be’ recognise that the organisation is incorruptible, the temptation to cheat will be lessened. Similarly, this will provide confidence to all stakeholders in the transparency of the process.

Every step of the electoral process should be open to scrutiny from the political parties and civil society bodies, including via the timely release of information through a well-designed and regularly updated website. The ruling party, owing to its participation in government, should not be given unfair access to information. The media needs to be encouraged not just to stimulate informed debate about the campaign issues of concern to the electorate, but also to investigate how well the election management body is carrying out its responsibilities.

## Chapter 4

# Challenges Facing Commonwealth Independent Election Management Bodies

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The world is changing. People across the globe, and especially within the Commonwealth, have ever-higher expectations with regard to the quality of their democracy. They demand that elections should be run efficiently, openly and fairly. Such elections must be inclusive of all, including respecting the rights of women and of marginalised groups. They must also be orderly and peaceful. People need to feel free and be able – in practice as well as in theory – to participate fully in the democratic process.

One important change in recent decades has been the rapid spread of modern technology – including social media – which should in principle help to make all this possible. It puts at the service of election management bodies potentially powerful new tools, designed to strengthen management capacity and facilitate easy and rapid two-way communication with and among all stakeholders.

Such technical changes, however, are no panacea. If not handled prudently, they may also bring with them difficult new challenges. What matters, if such innovations are to fulfil their democratic potential, is that those responsible for managing elections should never lose focus on their primary responsibility: to protect and advance the political rights of all citizens.

This chapter explores some of the challenges facing election management bodies today. These reflections are based on the experience of the Commonwealth Secretariat and of Commonwealth election management bodies around the world.

The first section deals with problems relating to most countries' deficit in the area of gender equity.

The second looks closely at the choice of electoral system (including its impact on achieving gender equity). The electoral system normally appears as cast in concrete and unchangeable: it is a given, 'the way we have always done things'. The choice of electoral system falls outside the competence or responsibility of the election management body. However, if the electoral system produces election results that are grossly unfair, or is likely to create further injustice, it becomes a matter of concern. Such concerns, if they are serious, need to be shared with stakeholders and included in any review of or dialogue about the working of a country's democratic processes. This applies also to the demarcation of electoral boundaries.

The third section focuses on the temptation to gerrymander electoral boundaries, and the difficulties involved in providing a reliable and up-to-date voters' roll.

Other issues addressed in this chapter – identity politics, dirty money, election-related intimidation and violence, and the impact of social media – are all matters

that, if not addressed robustly by the election management body, have the potential to destabilise a country's democracy and to undermine the integrity of its elections. These concerns are often closely interrelated and have important links to the functioning of the electoral system.

The section on small and island states explores the implications of the Commonwealth's core values and principles for the management of elections in countries which are small in population, often remote and frequently have limited public service capacity.

Finally, there is a discussion of election observation and some of the euphemisms that observers employ to describe elections which, it is felt, fail to meet fully the highest democratic standards.

The various sections of this chapter are not exhaustive or designed to provide the last word on any of the issues under discussion. Their purpose is to bring to bear the core values and principles of the Commonwealth on some of the practical challenges facing election management bodies as they work to strengthen democracy and improve the quality of elections.

These issues may not be relevant to all Commonwealth countries and, even where they are, each country must work out its own strategy based on its own history and culture. There are no right answers. What matters is that the election management body must ensure that the values and principles that inspire the Commonwealth are truly reflected in the way in which it deals with such issues.

## 4.1 Achieving gender equity

According to the Commonwealth Charter, gender equality and women's empowerment are 'essential components of human development and basic human rights'.

In some areas, there remain clear tensions between Commonwealth core values like these and how, in practice, the electoral process is managed. This might include attitudes to the freedom of women to express political views, particularly when those views are at odds with those of their family or community or, more generally, their active participation in public life. If such tensions and constraints materially prejudice the political rights of individuals or communities, there is obviously a problem.

The lack of progress in achieving gender equity is evident from the continuing low number of women elected to parliament and the lack of women occupying senior positions in political parties or government (as well as in election management bodies). The challenge is to translate the Commonwealth's ideals into everyday practice. Too many election management bodies – even though they may boast attractive-sounding policies in this area – remain dominated by men.

A fundamental change in attitudes to gender will be required if the current situation is to change fundamentally. Election management bodies should include a commensurate number of women at all levels of leadership. Yet this will not happen without the adoption of clear strategies for women's advancement. Where necessary, tailored training programmes should be developed to make it easier for women to progress to positions of responsibility.

Ending discrimination against women, and making it possible for women to play their rightful role within the democratic process, demands not just good policies, but proactive leadership. Although most Commonwealth countries are signatories to the relevant international human rights instruments, many of the protections contained in these instruments are not in practice available to women. An important step in rectifying this situation would be for such instruments to be incorporated into national law and applied practically.

The approach to gender equity adopted by election management bodies around the Commonwealth differs considerably. Given their adherence to international human rights instruments, and their membership of the Commonwealth, all are committed in principle to improving the status of women. However, the forces resisting such reforms, whether they be cultural or linked to those seeking to consolidate current power structures, also remain strong.

Given that the make-up of the Commonwealth is diverse, it is hardly surprising that the specific forms of democratic accountability vary from country to country. It is evident, however, that the dynamic towards reform must be internally driven by, for instance, women's organisations or other movements within civil society, and must be based on respect for the country's culture and history.

Appeals to the sanctity of 'culture', however, which are often employed by those resisting reform, can be self-serving. Culture is not static and remains subject to change and adaptation. All societies, including the most traditional, have within them a deep commitment to fairness, the importance of consultation and the need for community solidarity. Such commitments can provide, from within the culture concerned, powerful resources which may be interrogated and mobilised in support of fundamental reforms.

Changing attitudes, and addressing people's real concerns about the impact of social change, is a long-term challenge. Such change is more likely to be achieved in the context of substantive institutional and legal reform, backed up by programmes of practical action.

## Practical actions

It is important to keep in mind that even decisions that may appear gender-neutral, such as polling hours, the locations of polling stations and the design of ballots (since illiteracy may be more prevalent among women voters) could have a substantial influence on women's participation. It is advisable, therefore, that election management bodies obtain expert advice in order to review and advise on the gender implications of its decisions.

Among the issue which need to be addressed are:

- *Selection and training of election staff:* The explicit objective should be to secure gender equity at all levels of the administration. The criteria and educational requirements for election workers, from senior administrators to polling station staff, should not disadvantage women candidates. Where necessary, training

programmes should be developed to help prepare women to undertake such responsibilities.

- *Voter registration:* In practice, women are more likely to be registered under systems which provide for the automatic registration of all eligible citizens. Where individuals are required to register in person, the process should be well publicised, employing channels of communication most likely to reach women voters; registration stations should be easily accessible; and the procedures made quick and simple. Attention should be given to registering displaced persons.
- *Voter education:* Well-designed, gender-sensitive voter information and civic education programmes should be deployed, with the specific goal of increasing women's participation.
- *Nomination of candidates:* The arrangements for nomination, and the level at which deposits are set, should be designed to facilitate the participation of women candidates. The rules must be applied impartially.
- *Location of polling stations:* Women are more likely than men to be disadvantaged if polling stations are inconveniently located, if polling hours are too short, or if too few polling stations are opened and voters are required to wait in long lines. Where necessary, the election management body should consider providing separate polling stations, so that women can vote in an environment free of pressure or intimidation. In such cases, this can significantly increase the likelihood of participation.
- *Design and printing of ballots:* Women are more likely to be illiterate than men. In countries with high rates of illiteracy, therefore, election management bodies should design ballots to include party emblems or photographs of candidates. Ballots and voter education material should be provided in all commonly used languages.
- *Voting:* Care must be taken to ensure the secrecy of the ballot and to prevent family voting, so that women can cast confidential, independent ballots.
- *Campaigning:* Ensuring a level playing field requires equal treatment of women candidates. The election management body, for instance, should ensure that campaign spending limits do not in practice work against women, who are generally poorer than their male counterparts. Media regulations should ensure that women candidates get equal access to and equal treatment from the mass media.
- *Intimidation:* Intimidation of women candidates can be a serious problem, especially in post-conflict societies. It is important, therefore, to take measures to protect women under such threat and to provide adequate security at polling stations. This should be part of an election management body's efforts to ensure a peaceful campaign environment.
- *Counting ballots:* The approach to counting votes may also disadvantage illiterate or poorly educated voters, especially women, by overly strict rules for determining the validity of ballots – for example, requiring that a ballot with a tick or check mark rather than a cross next to the chosen candidate be disqualified.

The challenge of achieving gender equity can be especially difficult in post-conflict societies where democratic procedures are new, the political stakes high and the commitment to democracy among former combatants weak. It is especially important in such circumstances to ensure that women are well represented in the election management body and gender policies are advanced.

### Implications for the election management body

Those responsible for managing the electoral process, the nation's custodians of the practice of good democracy, should provide leadership:

- First, in their own institutions, by ensuring that women are given positions of responsibility and that the policies and practices of the institution work to improve the status of women in society. This might involve creating incentives for women to become election administrators; training all members of staff to be sensitive to gender issues; collecting gender-disaggregated statistics in order to evaluate women's participation; and identifying aspects of the democratic process that can be improved.
- Secondly, in relations with parliament and government, by signalling support for changes in legislation – for instance, if appropriate, for the introduction of quotas in parliament. This might also involve leadership and support in legislating for electoral procedures that do not discriminate against women; ensuring that all agencies involved in elections – including, for example, police investigating electoral malpractice – are trained to respect the rights of women; and providing sufficient resources to election management bodies to enable them to implement gender-related programmes.
- Thirdly, by encouraging political parties to ensure that women are allowed to play a full role at all levels in the administration and policy structures of the party, and are enabled to offer themselves for nomination as candidates – with a realistic hope of being selected.
- Finally, in their dealings with civil society, by maintaining close contact with organisations working to improve the status of women.

## 4.2 Fair voting

Electoral systems, which vary widely across the Commonwealth, provide the mechanism whereby votes are translated into seats in national assemblies and parliaments, and executive heads of state are elected. They determine how many votes and what kind of votes are necessary to award seats to candidates and parties in an election. Different electoral systems produce different kinds of results, and give voters different kinds of choices.

Often, and not surprisingly, incumbent parties are comfortable with whatever system has secured them power, while new and excluded/opposition parties tend to be critical at least until they secure power. It is clear that the choice of an electoral system is important for the quality of a country's democracy.

These are matters that should also concern an election management body. In the first place, this is because electoral systems that are unable to address the real democratic needs of a country can be destabilising. Even if efficiently administered, elections that fail to meet the legitimate democratic aspiration of a significant section of the population are likely to lead to tensions and social conflict. Even where this is not the case, there may still be strong arguments for reform to improve the quality of a country's democracy.

### Choice of electoral system

Clearly, the choice and design of electoral system has profound implications for the nature of political representation, for competition among parties and for accountability. The system needs to be fair to voters (including women, minorities and the disabled); to encourage voter participation; to provide effective representation of constituents; to be equitable to parties and candidates; and to produce stable government.

*No voting system can fully meet the ideal standards set by the criteria. Nor are the criteria all of equal weight. Some of them, if carried to their full extent, are mutually incompatible. Others overlap and none is independent. If a system is designed to achieve one particular objective, the likelihood of meeting other objectives may thereby be lessened. The best voting system for any country will not be one which meets any of the criteria completely but will be one which provides the most satisfactory overall balance between them, taking account of that country's history and current circumstances.<sup>1</sup>*

Decisions about the electoral system, therefore, should be taken deliberately, in an informed manner and with the full participation of all relevant sections of society. The conduct and outcome of such deliberations will say a great deal about how a society understands its democratic vocation and future.

There are three main types of electoral systems in the world, with several variations among each one:

- *Plurality*: Candidates are elected with a plurality (i.e. not necessarily a majority) of votes cast. Main models include: single member plurality (otherwise known as 'first-past-the-post') and multi-member plurality (also called 'block vote').
- *Majority*: Candidates are elected with a majority (that is more than 50 per cent) of votes cast. The main models are the alternative vote and two-round voting systems.
- *Proportional representation*: Parliamentary representation reflects the total percentage of votes cast for each party. Main models include: the list system; mixed member proportional representation; parallel voting; and the single transferable (or non-transferable) vote.

### Plurality

The plurality, or first-past-the-post, system is in many ways the simplest and least costly method of electing parliamentary and other representatives. Counting can

take place locally and the result declared promptly. It is the second-most widely used voting system in the world (after party lists) and is well known and understood.

The system is constituency based, meaning that there is a tangible link between the person elected and the local community. This close geographical connection helps to ensure accountability.

Each voter is permitted to vote only for one candidate and the person who receives the largest number of votes wins – even though, as is often the case, that person only secures the support of a minority of the electorate. People may be elected, and governments formed, which lack overall popular support. If a party's support is evenly spread over the country, even though this represents a significant proportion of the electorate, it might not secure a single member of parliament. In extreme cases, this can fundamentally undermine the legitimacy of the democratic system.

The first-past-the-post system, in effect, wastes huge numbers of votes, since the votes cast for a losing candidate count for nothing. Where there are relatively small constituencies, the way boundaries are drawn can have important effects on the election result, which encourages attempts at gerrymandering.

The plurality system tends to encourage tactical voting, with people voting not for the candidate they most prefer but against the person they most dislike. There is also often a proliferation of safe seats, where the same party is all but guaranteed success in each election. This can encourage the political party concerned to take its support for granted.

The system tends to reinforce rather than to challenge the power of the *status quo*. Elections conducted under the first-past-the-post system can therefore lead to voter apathy, since the result may be seen to be a foregone conclusion.

Finally, plurality systems have not tended to foster gender equity.

## Majority

In the case of the majority system, candidates are elected if they secure a majority – that is, more than 50 per cent of votes cast. This mechanism shares some of the advantages of the plurality system: it is simple to explain, understand and administer. It can also be used to maintain the link with a specific geographical area.

There are various ways of managing a majoritarian system:

- *The two-round system:* If any candidate in the first round gains a majority of votes, then there is no second round; if not, the two highest-voted candidates of the first round compete in a second round. Whoever secures the most votes then wins.
- *The alternative vote system:* Each constituency has a single member, who is elected by a majority of votes using a preferential ballot. The voters rank their candidate choices. Initially, all the first choices of all voters are added up. If one candidate receives an overall majority of the first choice votes, he or she is declared elected. Otherwise, the candidate with the least number of votes is eliminated and their second choices are redistributed to the remaining candidates.

One problem with the two-round system is that it may well test the commitment of voters by requiring them to attend polling stations a second time at a later date. During this period of uncertainty, communal tensions can also increase. In addition, the losing party might use the opportunity to put political or other pressures on the election management body or simply reject the entire process.

## Proportional representation

Proponents of proportional representation argue that each voter deserves to be effectively represented. The basis of a proportional system is that all significant political groupings (generally defined as those which attract more than a minimum share of the vote, often 5 per cent) should be represented in a way that reflects the level of their popular support. The proportional system, in one form or another, has been adopted by many emerging democracies and is the most popular electoral system globally.

The system invariably uses larger, multi-member districts, where, instead of electing a single person in each district, several people are elected. Seats are allocated according to the proportion of votes received by the various parties or groups with candidates. If a party, for instance, wins 40 per cent of the vote in a ten-member constituency, it receives four out of ten seats.

There are a number of distinct proportional representation systems: the party list ('open' or 'closed'), mixed member, transferable vote or parallel voting systems. The 'closed' party list system is much-beloved of party managers because it allows the party to fix the order in which the candidates are listed and elected. In this case, the voter simply casts a vote for the party as a whole: voters are not able to influence the order in which party candidates appear or to indicate their preference for any particular candidate on the list. The 'open' list system, on the other hand, permits electors to exercise such influence.

A major criticism of the proportional system relates to concerns that it may produce fragmented parliaments and weak governments. Often, instead of a government controlled by a strong ruling party, there is a tendency to produce coalition governments. Also, in some places, relatively small parties holding the balance of power can exercise disproportionate influence over government formation. Nonetheless, many countries have made this system work effectively.

A more telling criticism is that the system is complex and difficult to understand. The apportioning of seats can become complicated and time-consuming, opening up opportunities for challenges. The system, if it is to function effectively, requires rigorous training of electoral officials and intensive programmes of voter education.

Supporters believe that proportional representation is the best system because it provides fairer legislative representation, which can play an important role in healing divisions in society. By accommodating a wide range of political interests, it arguably helps reduce instability and conflict. The system can also promote confidence and participation by encouraging representation of women and minorities.

## Implications for the election management body

Many Commonwealth countries, while in theory recognising the need to fashion democratic structures to fit local needs, have retained the Westminster model – the first-past-the-post voting system.

Governing parties are often understandably reluctant to open up a debate on changes to a system that has produced stable government and may well have been decisive in securing their own electoral success.

Sometimes, however, for the longer-term good of the country, it may be necessary for politicians to accept that the current system is not optimal. It may well contain the seeds of future instability or simply be unfair. In this case, the election management body should help encourage an honest public debate on the choice of electoral system.

## 4.3 Gerrymandering

Gerrymandering is designing electoral boundaries in such a manner as to give a particular party, parties or candidates an unfair advantage. It is one of the ways in which the unscrupulous seek to fix an election before a single vote has been cast.

Often the election management body is not directly responsible for drawing up electoral boundaries. However, since the boundaries can so profoundly influence the fairness of an election, it is advisable that the election management body be closely associated with these processes. It would be difficult to claim in good faith that an election was fair if the electoral boundaries turned out to have been grossly malapportioned.

### Demarcation

In order to ensure fair and equal representation, electoral boundaries should be drawn in such a way as to, as far as possible, give equal weight to each vote. Such boundaries should not favour the ruling party or any other interest group.

Given the political sensitivity of this task, a country's legal framework needs to provide for an impartial, non-partisan, professional and independent body to manage the boundary delimitation process. There should be a broad consensus among the political parties, in particular, regarding the demarcation of electoral boundaries and how these are put in place.

Such legislation, which needs to make provision for an appeals procedure, must determine the frequency and the criteria for delimitation, as well as the degree of public participation required. It should also specify the role of the legislature, the judiciary and the executive in these processes.

This work can be undertaken by the election management body or by a separate authority. Either way, the body drawing up such boundaries must act – and be seen to be acting – in a totally impartial manner at all times.

A reliable and up-to-date national census may be a building block for the drawing-up of electoral boundaries, especially if constituencies are based on population rather

than just the number of registered voters. In some places, however, for historical and other reasons, governments are wary about holding a new census, since it might fundamentally change the balance of political forces in the country. This can be a difficult and highly contentious issue, but is one on which an election management body may need to take a view.

Boundaries should be drawn up in a way that allows constituents to have the opportunity to elect candidates they feel truly represent them, which means that boundaries should as far as possible coincide with communities of interest. Disparities among constituencies should not exceed a level agreed upon and established in legislation.

Depending on the legal requirements for delimitation, the factors which need to be taken into consideration in determining electoral boundaries might include: geographic and physical features; administrative boundaries; contiguity; compactness; population equity; simplicity; community of interest; equal protection; and serviceability. This work, which is always likely to prove controversial, should occur in a manner which respects the legitimate interests of all stakeholders.

The application of modern technology, in this instance the Geographic Information System (GIS), can greatly facilitate the process of drawing up electoral boundaries. It has become an indispensable tool for many election management bodies. The system (which is relatively cheap to purchase but requires a high degree of expensive in-house expertise to use effectively) makes it possible to build a compatible database for voter registration, boundary delimitation and polling station assignment. The maps generated can now be shared electronically, which can greatly enhance stakeholder participation in the process.

## Registration

Another common method of influencing the outcome of an election in advance of polling is through manipulation of the voters' roll. It would be hard to claim that an election was acceptable in the event that, for whatever reason, many people were excluded from registering to vote or the voters' register contained many wrong or fictional entries.

The objective of voter registration, an essential element of almost all elections, is to ensure the equal and universal participation of eligible voters. The object must be to produce an up-to-date and reliable list of all potential voters.

Given the importance of the voters' roll in determining who can and who may not vote, this is often one of the most contested elements of any election. Such anxieties can be reduced by allowing people a reasonable opportunity, in advance of polling, to check that their entries on the roll are present and correct.

In most Commonwealth countries, voter registration falls under the direct control of the election management body. Even so, as is apparent from many election observation reports, the quality of the voters' roll is frequently poor. Often these criticisms of the voters' roll are carried over from one election to the next, without there being any significant improvement.

The cause of such weaknesses can appear to be administrative failure, arising from management weaknesses, but can also be rooted in an unwillingness to provide the election management body with the resources necessary to carry out this complex and expensive task. The work of the election management body can also be stymied by last-minute changes to legislation or by insisting on an unrealistic timeframe for holding elections.

An accurate electoral roll makes it possible to verify the eligibility of all voters, and so strengthens the authenticity and credibility of the electoral process. The roll may be maintained on a continuous basis, derived from the civil register or drawn up for each election – and in some cases is needed to allocate voters to a specific polling station.

The mechanics of registration require the capture of information, including (but not limited to) the name, address and date of birth of eligible voters. The procedure, in trying to include all eligible citizens while preventing the registration of ineligible persons, seeks to stop underage voting and deter illegal multiple registrations. This is a major task because people die or migrate, they relocate from one region of the country to another, or they get married and change their names. Young people who become eligible to vote must also be added to the database.

A reliable and up-to-date voters' roll provides the election management body with a crucial tool to facilitate logistical and administrative planning, and the design of voter education campaigns. The roll, once completed, should be made easily available, preferably also in a searchable electronic form (with appropriate protection of privacy) to all stakeholders, but particularly to the political parties and candidates. This is important to help calm any fears regarding the credibility of the roll. The voters' roll can also provide an important tool for campaigning by political parties or candidates.

Partly because of the difficulties experienced in the past, many election management bodies are moving to biometric registration. This has many potential benefits. It addresses numerous weaknesses inherent to paper-based systems, by providing easier identification of duplicate registrations, for example, and making the matching and verification process much simpler. However, if not planned and implemented efficiently, there is scope for serious problems – as has recently been evident in a number of Commonwealth countries.

Such technology can greatly facilitate registration and make the process much more secure. However, the basic components of these systems – data capture, materials etc. – are expensive and their operation and maintenance require specialised skills. Furthermore, they carry with them significant recurrent costs which must be built into the budget.

Before deploying such systems, it is essential that they be rigorously tested and piloted in order to demonstrate that they have the required throughput, speed and reliability in harsh environments. It also is critical that both the hardware and software are able to accommodate future upgrades.

There are many companies keen to sell equipment to election management bodies. It is always advisable to proceed with caution. Such purchases should be driven by

the election management body itself and not by donors or those with commercial interests.

Purchases of this type should always be independently assessed to determine whether they meet the customer's specific requirements. The election management body must also be confident in its own ability to recruit, train and retain a sufficient number of appropriately skilled staff to operate any new system and to manage issues when problems are encountered. A manual back-up system is always advisable.

Finally, criticism of the voters' roll is often only voiced on or shortly after election day or thereafter by those defeated in the polls. Too frequently, given that a future election appears to be some time distant, political parties and civil society bodies are not actively engaged when these processes to address voters' roll quality are actually underway.

### Implications for the election management body

The election management body should be clear with both government and the political parties about the principles it is following in undertaking the important tasks of supporting boundary delimitation and maintaining an up-to-date voters' roll, the resources required and the timeframe within which this work can reasonably be completed.

It should recognise that there may be powerful political interests seeking to interfere unfairly in the compilation of the voters' roll and the demarcation of electoral boundaries. The election management body must be robust enough to resist such influences.

Election management bodies are sometimes accused of being evasive about making the voters' roll available in good time. It is important that every effort is made to facilitate such access and to encourage the political parties and observers to check its credibility carefully.

In regard to delimitation, there are strong arguments both of principle and practicality why this task should fall under the responsibility of the election management body.

## 4.4 Politics of identity

The choice of electoral system, and the manner in which the system operates, can have a profound impact on how different communities, with their distinct cultures and histories, relate to each other within the democratic system.

The Commonwealth Charter, among other things, commits member countries to work for the protection and promotion of cultural rights. It emphasises 'the need to promote tolerance, respect, understanding, moderation and religious freedom' and accepts 'that diversity, and understanding the richness of our multiple identities, are fundamental to the Commonwealth's principles and approach'.

It is important, therefore, that the election management body be sensitive to the positive contribution that a rich and diverse mosaic of ethnic and religious

communities can make to society, but also the dangers that any exclusive identity-based mobilisation may represent to national cohesion and stability.

Without the strength of well-functioning communities, particularly in poor countries, the vulnerable and disadvantaged (especially the young, the old and the disabled) would be left destitute. Such local communities are normally embedded in – and draw their strength from – a wider grouping defined by tribe, nation, religion or ethnicity.

The forms of collective identification, although important for human development, can give rise to distrust, discrimination, and even hatred or violence against groups and individuals – especially when under stress. This has profound implications also for the democratic process.

People often see the electoral process as the outcome of a large number of individual decisions made by voters. In reality, of course, such decisions can be influenced decisively by pressures, ranging from efforts to enforce community solidarity – for instance, by traditional leaders instructing people how to vote – to the more subtle influence of internalised perceptions of what is required of a person in the particular role they play in the society in which they find themselves – for instance, the perception that women or children should follow the political preferences of their husbands or parents.

The role of national, ethnic or religious (or secular) identification, therefore, can be central to determining political preferences. Such choices, when freely taken for parties that accept the pluralist nature of society, seem perfectly reasonable but can, even then, raise difficult problems for representative democracy. By definition, such political parties or movements exclude those who cannot thus identify. The problems are even more serious when such parties reject political diversity or pluralism.

In a representative democracy, founded on the idea of popular control and political equality, the people are considered sovereign. For the system to function effectively, therefore, it must be clear who constitutes ‘the people’. A democracy may include people who have differing ideas about their ethnic or even national identity but are, even so, accepted (both individuals and communities) as full and equal members of the polity. In the end, most experts suggest that such identities are essentially subjective: you are who you are because that is how you feel.

Identity politics is not on the wane; in fact it appears to be increasing in influence across developed as well as developing societies. This can be problematic because, in most countries, the polity is not coterminous with the national, ethnic or religious identities of the population as a whole. In order to accommodate such diversity, many (but not all) democracies define themselves in secular or ‘civic’ rather than in ethnic or religious terms. The so-called ‘civic’ democracies are founded on respect for a common citizenship available to all born within the state, and to others who meet the criteria for citizenship, whatever their parentage, ethnic identity or religious affiliation (or lack of it).

Political mobilisation based exclusively or mainly on such identities is likely to prove disruptive if not positively destructive of national cohesion. This is particularly

problematic when a significant minority, demonstrating a strong sense of identity and political cohesion, feels marginalised and is perpetually excluded from political or economic power. In these cases, unless ways are found to accommodate such communities within the political system, there is always a danger of social tensions and unrest – or sometimes even violent conflict or the break-up of the state.

The natural propensity to identify with a particular group (be it regional, ethnic, religious or secular, class, gender or political) can easily turn negative. At the political level, too often the ‘other’ becomes not just a competitor for power and influence, but an enemy. Healthy competition, resolved by negotiation, compromise and alliance building, is quickly replaced by a zero-sum or even winner-takes-all mentality. The appeal to populist policies, attractive to particular communities but ultimately destructive of the social fabric or economic progress, often proves difficult to resist. Identity politics, which ignores the plurality of most people’s identities, once established, is difficult to change.

Such social conditioning is problematic when it involves norms and practices that are destructive of community cohesion and human flourishing. All societies and cultures, however, have within them the resources necessary to reflect on and where necessary change such destructive tendencies. People are not condemned to endure the destructive elements of their social or individual inheritance.

### Implications for the election management body

It is important that the election management body, in view of its vocation to build a truly democratic culture, should encourage reflection on the implications of identity politics for the democratic health of its society.

The values and principles of the Commonwealth, and its firm commitment to tolerance and diversity, need to be used as a cornerstone of civic education. It may be necessary to encourage stakeholders to look again at the role that constitution-making (or re-making) can play in guaranteeing the rights of minorities and moderating the claims of majorities. The electoral system may need to be reformed to mitigate the dangers of particular communities feeling aggrieved or marginalised.

Finally, the election management body must remain aware of how any failure to enforce rigorously incitement and ‘hate speech’ regulations of an electoral code might contribute to increasing community tensions.

## 4.5 Intimidation and violence

Incidents of violence or the systematic intimidation of voters, which can arise from deep-rooted, sometimes half-forgotten causes, may be sparked when least expected. Any such occurrence can disfigure if not fundamentally undermine an election. It is essential, therefore, that an election management body should have a well-thought-out strategy to deal with such situations – and, if possible, to stop them from happening.

Incitement and intimidation can undermine even the best-organised election. Electoral management bodies must remain constantly alert to such risks. Any

upsurge in political or communal tensions has the potential to escalate into electoral violence. Such tensions, therefore, need to be carefully monitored and held in check. If violence does break out, the credibility of the election management body may be seriously damaged.

The roots of political violence vary from country to country, but can often be traced to the legacy of colonialism, the adverse impact of global economic changes, corruption or simply the mismanagement of economic and social policy: entrenched poverty, social exclusion, ethnic tensions and criminality. Such strains on the body politic can be easily whipped up into electoral violence, especially when fanned and intensified by a biased and pliant media.

Political violence and intimidation must not be tolerated. It is important, at the same time, to identify the longer-term conditions that provide the ground for the kind of violence which disfigures the electoral process. Depending on the situation, these factors might include:

- human rights violations;
- a political party culture, which is undemocratic, exclusivist and authoritarian;
- perceived unfairness in the electoral system;
- poverty and disadvantage;
- social and political exclusion, sometimes based on ethnicity;
- a history of inter- and intra-party violence;
- gender-based discrimination and violence;
- the presence of non-state armed actors;
- grievances relating to genocide, crimes against humanity and war crimes;
- environmental hazards; and
- unethical media reporting.

An election management body can have only a marginal influence in addressing these deep-rooted societal problems. It is important, however, not to ignore concerns of this nature, and they may need to be brought to the attention of the relevant authorities.

Some of these concerns nevertheless fall more directly within the purview of any election management body. Effective strategies are needed to identify and counter any violent threat to the electoral process. This involves periodically and systematically reviewing all aspects of electoral preparations and processes in order to identify weaknesses and, where necessary, to propose constitutional, legal and administrative reforms. The fact that such dangers may appear dormant at any particular moment should not be reason for inaction.

The impact of violence, or the threat of violence, on the credibility of an election varies considerably. In some cases, it can be so extreme as to empty the electoral

process of any real substance or meaning; in others its impact might be much more limited both geographically and in intensity.

The most serious threats arise from situations in which the ruling party mobilises the security apparatus of the state, or party militias operating with effective impunity, to pressure people into voting for those already ensconced in power. At the other end of the spectrum, localised violence and intimidation might simply result from party supporters – sometimes fuelled by alcohol or drugs – behaving irresponsibly or illegally.

Between these two extremes, there are many examples where political parties – whether in power or in the opposition – stir up or ignore the systematic use of intimidation (including overt violence) by supporters to strengthen their electoral prospects. This might involve using implicit or overt threats in localities which traditionally provided the core of party support or simply by inhibiting opposition candidates from campaigning in these areas. Alternatively, it might involve threatening communities or individuals in places where the opposition is thought to be strong.

The bedrock of any strategy to avoid or to counter political violence is to ensure that the election management body, operating efficiently and transparently, is independent and empowered and is willing and capable of asserting its authority. Political parties (and, indeed, the government and the institutions of the state) need to feel convinced that actions which undermine the political rights of individuals or parties will not be tolerated.

## Assessing risks

An election management body needs to develop a comprehensive strategy to identify such potential threats. This might involve assessing: the current electoral system; whether the framework for electoral dispute resolution, and the mechanisms to sanction perpetrators of electoral offences, is trusted and efficient; and the extent to which the political parties are internally democratic and, in particular, whether there exists a fair and efficient mechanism for the nomination of candidates.

Any effective strategy to deal with electoral violence will have two main elements: working with political parties to insist that they campaign peacefully and permit others to do the same; and establishing good working relations with the national security agencies. Clear regulations and guidelines are also required concerning the responsibilities of political parties.

In regard to enforcement, there is a need to ensure that explicit responsibilities are assigned to various security sector and other government agencies; that the rules of engagement for such security agencies are clear and well understood; and, that sanctions designed to counter electoral fraud and violence are likely to prove effective. Any security sector interventions must be in line with such rules of engagement and the use of force kept to a minimum.

It is essential to encourage full and informed public participation in all these processes. It is also important generally to promote the role of non-state actors in

ensuring peaceful elections, and to advocate for the integration of alternative conflict-resolution mechanisms into the electoral legal framework.

### Planning and preparation

The election management body needs to develop institutional mechanisms designed to identify such risks during the various phases of the electoral cycle and across the country. On the basis of such an assessment, sufficient resources must be made available to cover the costs of conflict and violence-prevention activities.

Good planning requires up-to-date and reliable information. It may be important, therefore, to establish sophisticated data-collection and analysis capacities, so as to understand risk levels and help make informed and conflict-sensitive decisions. The application of modern information technology, introduced in a timely and manageable manner, can prove helpful in this regard. However, such innovations must always be undertaken in a way that recognises local political and cultural sensitivities.

Such a strategy should be designed to ensure the protection of electoral actors, events, facilities and materials throughout the electoral cycle. It should also involve security planning at the national and local levels. Where appropriate, traditional and religious leaders should be consulted in order to secure their understanding and to assess their potential in supporting prevention and mediation activities. Efforts should be made to identify organisations and individuals who have a capacity to promote peace and encourage conflict resolution. Co-ordination between state and non-state actors during elections may need to be formalised, with sufficient financial and human resources made available to support such joint actions.

### Training and information

A large number of competent and committed election officials, alert to the danger that violence and intimidation pose, is necessary to deliver good elections. It is essential, therefore, to ensure good and timely training for both permanent and temporary election officials.

Special attention should be given to the training of members of the security sector agencies in order to enhance understanding of the electoral process, the roles and rights of electoral actors, and what constitutes an electoral offence. Longer term, it may be necessary to encourage the relevant authorities to take action to reinforce security sector agencies' professional standards. At the same time, electoral briefings or training may be necessary for political party representatives, the media, civil society organisations and electoral observers.

Civil society organisations often form an integral part of the national infrastructure for peace. It is important that efforts are made to provide such organisations with information on electoral processes, including timelines, procedures and operational details. Where appropriate, it may be desirable to provide training for conflict mediation personnel at the local level, particularly in high-risk areas.

## Registration of voters, political parties and election observers

It is essential that voter registration is convenient and accessible to all eligible citizens. The same considerations apply in regard to the registration of political parties, party candidates and independent candidates. The practice of charging people to register, especially when such charges are high, can serve as an effective tax on citizens who are seeking to do their civic duty.

Difficulties in registering to vote are likely to cause tensions among communities and political parties about the fairness of the election. It is necessary, therefore, to ensure that citizens are not impeded from travelling to and accessing voter registration facilities. Likewise, a safe environment must be provided for all those seeking nomination. To this end, the election management body needs to work closely with relevant security sector agencies.

Citizen observers – as well as international observers, where present – can play an important role in suppressing intimidation and violence, and should be accredited in a timely and transparent manner.

## Electoral campaigning

Campaigning is inherently adversarial. It is quite likely to inflame passions and may encourage irresponsible behaviour on the part of party activists. Wherever necessary, in order to contain such passions and ensure peaceful campaigning, the election management body should create forums to facilitate discussion and consensus-building on the implementation of the political party code of conduct and its enforcement.

Political party campaigning and campaign rallies should be carefully monitored, both to signal to the parties that any infringement of the regulations will not go unnoticed and to compile data on any use of inflammatory rhetoric. Such reports should be shared with the relevant authorities. Those responsible for any such violations, however well connected they may be, need to know that they too will be sanctioned.

Bias in the media often mars elections and can be directly responsible for inciting disturbances. In collaboration with other agencies, the election management body should ensure comprehensive media monitoring at the national and local levels.

## Voting

Problems on voting day – polling stations opening late or not at all; voters having difficulties in accessing the stations either because they are far away or obstacles are placed to their gaining access; voters failing to find their names on the election register; delays in the processing of voters; and materials not available – are likely to heighten tensions. This is particularly the case when such problems have a disproportionate impact on specific groups or areas of the country.

The election management body must, therefore, ensure that polling and counting staff are people of integrity – professional, well trained and acquainted with the latest electoral rules, regulations and procedures. Electoral materials must be available in sufficient quantities, and delivered to the storage facilities and then to polling and

counting centres safely and in a timely fashion. Voting, counting and results tallying must be seen to have been implemented according to the rules and regulations, accurately and transparently. This applies equally to special voting operations.

While voting is taking place, the election management body must continue to maintain open communication channels with all electoral stakeholders, including political parties, observer organisations and citizens – especially if logistical or other problems are being experienced. It must ensure that these stakeholders are familiar with complaint procedures and that electoral dispute resolution bodies process complaints relating to voting and counting processes effectively and in good time. To this end, it should provide adequate voter information and education programmes.

It is particularly important to work confidently with citizen and international observers, and also with civil society mediation and peace-building groups, during the election period. The election management body should be in a position to compile, share and publicise information relating to electoral risks and violent incidents during the voting phase.

### **Election results announcement**

Waiting for the results of an election can be a period of high risk of electoral tension and violence. It is the moment when parties and candidates, or their supporters, are most likely to behave in a provocative, irresponsible or irrational manner. Any lack of transparency, or any unforeseen delays in announcing results, may well fuel tensions and could spark disorder.

It is essential, therefore, to manage election results in a professional and transparent way, so that the credibility of the election is protected. It is important to provide reliable information to political party leaders, to observers and to the media in regard to the publication of preliminary and final results: they must be announced in a clear and concise way. It is also important to remain aware of the potential dangers inherent in fraudulent or partial results being disseminated via social or other media or by aggrieved politicians.

The security agencies, following the lead of the election management body, should remain on heightened alert. Working with the security agencies, and other stakeholders, the election management body should monitor indicators of any impending violence relating to the announcement of election results. Vulnerable individuals and groups, such as women and minorities, must be protected. Security sector interventions should not, however, be used to suppress political liberties and/or the free expression of opinion.

It is helpful, when assessing risks to the electoral process, to explore possible post-election scenarios, identifying potential trigger or flash points. Peace forums should remain active throughout the period of the announcement of election results.

### **Implications for the election management body**

Once the election is over and a new administration is in place, time should be allotted for a careful evaluation of all aspects of the electoral process – especially those aspects

which may have had a bearing on any instances of political intimidation or violence. Lessons should be learnt and, where appropriate, legal and administrative reforms put in place. It is also important for the election management body to undertake an assessment of staff performance and identify needs for professional training and capacity building.

Particular attention should be paid to improving collaboration with security sector agencies and other state and non-state actors. As part of this process, the performance of such agencies during the election, and their capacity-building needs, should be carefully reviewed.

## 4.6 Dirty money: political party expenditure and campaign funding

Intimidation and violence often flow directly from the proceeds of corruption and unregulated political party financing. Even when this is not the case, unregulated party and campaign funding can severely undermine the fairness of an election. The election management body should seek to create a level playing field so that money – especially money arising from corruption – does not become a primary factor determining the outcome of an election.

This is difficult to achieve, in part because no country is without corruption and in many it is endemic. In regard to elections, such corruption covers the misuse of entrusted funds – either public or private – and power for private advantage or gain. A corrupt act is often – but not necessarily – illegal and frequently problematic to prove. In handling corruption, one often faces grey areas and difficult dilemmas. Those wishing to act corruptly can become extremely creative in finding ways to circumvent or defeat the obvious intention of the regulations.

### Party and campaign funding

Multiparty democracy can only function effectively if there is a robust competition for political power. All political parties, therefore, need to mobilise significant resources in order to mount an election campaign and to cover their running expenses. Few, if any, will manage to achieve this solely through membership subscriptions. In the absence of state funding, or in order to augment publically available resources, parties are normally required to raise large amounts of money from individual or corporate donors.

Private donations, however, open parties to the danger of undue influence from those financing their operations and, therefore, such donations need to be regulated.

The purpose of party and campaign funding regulation should be to encourage a level playing field among the political parties contesting an election. Regulation must be designed to create an open political debate, where the contesting parties are able to disseminate information and opinion on issues of concern to the electorate.

Public accountability in regard to party funding helps to ensure that the electorate understands the influences under which politicians are likely to come when they

are in government. It makes it much more difficult for parties to be influenced significantly by external interests. Such accountability also reduces the likelihood of undue influence and lessens the dangers of patronage in public appointments.

Arguably, the most important element in regulating party and campaign funding relates to disclosure. The electorate needs to know how its political parties are financed and what commitments, if any, are being made, promised or suggested by accepting donations from wealthy supporters or companies. It is important, therefore, that there are strict rules requiring political parties and donors to acknowledge publicly and disclose donations above a certain monetary value.

International experience shows that, even in the most mature of democracies, laws to control the funding of political parties are often flouted. It is important in framing such regulations to try and ensure that they do not give the ruling party an unfair advantage. Such rules must be applied fairly, by providing an effective independent enforcement mechanism that is capable of ensuring compliance.

## Organised crime

The challenge of how best to ensure honesty and transparency within the political system is one that confronts not just new democracies, but equally those which boast centuries of democratic practice.

Often the problems raised by the influence of ‘dirty money’ in politics is directly linked to the growth of organised crime, which is often transnational in character and frequently linked to the drug trade, to prostitution or to gambling:

*Organised crime is a reality in all countries today whether developed or developing democracies or not, as is the manner in which organised crime and corruption interact. And there are sufficient examples of how the spoils of organised crime have been and can be, and are being used to advance political goals. Ignoring this reality . . . will only serve to cement relations between political actors and organised crime, or potentially legitimise the flow of illicit funds into politics.<sup>2</sup>*

Notwithstanding the 2011 *World Development Report on Conflict, Security and Development* the implications of this reality for the health of the democratic system have not yet been fully acknowledged in many countries. This is particularly the case where decision-makers themselves appear to be complicit in benefiting from various forms of organised criminal activity and using illicit funds for political objectives.

Too often the problem is only acknowledged once illicit money entering the political system sparks violence or when existing levels of violence begin to have a bigger impact on political stability. However, an absence of violence can also prove problematic. In situations where organised crime is prevalent, it can be the absence of violence that should be of concern, as criminal groups and networks can constitute real threats to the state – not through open confrontation, but by penetrating state institutions through bribery and corruption and by subverting or undermining them from within. Governments that lack the capacity to counter organised crime run the risk of becoming criminalised or ‘captured states’ over time.

Addressing these problems requires, among other things, focussed work with political parties on the question of illicit money in politics.

Confronting the challenge of corruption in its various forms, and the impact of dirty money on politics, is complex and involves reforms across a wide range of institutions. In a number of Commonwealth countries, a sophisticated anti-corruption architecture has been put in place to clean up the political system, often in response to some scandal, or to minimise the likelihood of such crises happening in the future.

This is a continuous process because rules and regulations are never able to address all eventualities and because the standards that a society expects of politicians and political parties change over time. Rules and regulations do not absolve politicians from exercising good judgement.

For this reason, it is essential to achieve a high level of consensus about the fundamental principles on which any anti-corruption regime should be built. If these basic principles carry the general endorsement of society, politicians and other stakeholders will have a better yardstick on which to decide whether their actions are likely to be acceptable in the event of them coming to light. Such principles also provide the electorate with a way of measuring whether their politicians are behaving in a manner designed to secure the common good or their personal advantage.

### Implications for the election management body

The fundamental reason why an election management body should concern itself with regulating campaign and party funding is because dirty money corrupts not just the electoral process, but democracy itself. Politicians and political parties, as servants of the public, should be – and should be seen by the electorate to be – serving the common good and not just their own narrow personal, sectional or even party interests.

Reducing the unfair influence of money over the political process helps to enhance fair competition. It is also likely to improve the quality of legislation and make the executive more responsive to scrutiny. Effective regulation is necessary so as to reduce or eliminate the sort of conflicts of interest that are likely to encourage abuse.

By encouraging political parties to secure more financial support from their rank and file membership, the election management body helps to strengthen democracy and reduce dependence on rich donors. By providing well-regulated state financing of political parties, if that is thought appropriate, it can also help reduce the unfair influence of vested interests.

Any system of regulation, if it is to be effective, must be supervised and compliance needs to be regularly and independently monitored.

Such regulations are only likely to be respected if the election management body, or whatever regulatory authority has this responsibility, is able and willing to impose sanctions on those who fail to comply. Such a system can be expensive and requires a relatively sophisticated bureaucratic capacity.

## 4.7 Meeting the challenge of social media

### Impact on political campaigning and mobilisation

The ability to impart and receive information, without the unwarranted interference of the state or of other powerful institutions, is a fundamental characteristic of any free society. These are freedoms that all democrats recognise as being intrinsic to the realisation of our human dignity and because, without them, it is not possible for people to participate fully in the political life of a modern representative democracy.

The credibility of elections is undermined if the media is controlled by the state, or by monopolistic commercial interests, in a manner that excludes or marginalises alternative voices and narratives. Arguably, such controls may be weakening as more and more people have access to social media. This permits everyone (or at least very many people) to broadcast their views (not to mention their prejudices) and co-ordinate their political activities via the internet, without recourse to traditional outlets. Social media should provide political parties and movements with a significant and powerful new communication tool. On the other hand, these new media also bring their own problems and challenges.

Computers and smartphones afford a relatively inexpensive way to receive and impart information, as well as enjoy entertainment and access education that – until a generation ago – was far beyond the reach of all but the rich. However, the reliability and quality of such information, comment and analysis is often difficult to verify.

Social media represents a challenge both to the established media market, which may no longer be the only or even the main source of information or comment, and to authoritarian governments that find it ever-more difficult to set the political agenda unilaterally – or at least to do so in the manner to which they have become accustomed.

Efforts by government to ban access to new social media platforms are unlikely to succeed for technical reasons. Yet authoritarian governments are just as likely to use social media to entrench their control as civil society organisations or opposition forces are to use it to support liberalisation. Selective disruption of access, for instance, can easily hobble the activities of civil society activists. Governments and others with financial clout can also use social media systematically to spread misinformation and destabilise political opponents.

Furthermore, the interactivity of the new media, and the ability to comment online (including on the websites of the traditional press) can prove to be a double-edged sword: often, much of what is generated is anger and vitriol. This interactivity can provide a vehicle for extremism and intolerance of other people's views and beliefs. Similarly, those who express 'politically incorrect' or even unsavoury views can find themselves vilified on social media. 'Trolling' and 'Twitter storms', sometimes instigated or manipulated by powerful interest groups, can corrupt political and other debate.

### Pressure on journalistic standards

The rise of social media is also challenging newspapers and established electronic outlets. As a result, traditional media are increasingly driven by ratings and by the

search for increased advertising revenue and, where these are not forthcoming, must engage in major programmes of cost cutting to remain viable. This has an impact not only on the commercial media, but also on public service broadcasters as these seek to justify their subsidies or regulatory protection.

The search for ratings inevitably means that the balance between entertainment and sport, on the one hand, and information and analysis, on the other, suffers. Many countries have experienced a general ‘dumbing down’ of the media environment.

Frequently, it is journalists who bear the brunt of cuts in the traditional media. This often means, in practice, that those with real knowledge and experience are not retained in employment. At the same time, pressures of 24/7 media coverage mean that journalists are expected to provide an endless flow of articles and online contributions. Often, this undermines their ability to engage in the kind of in-depth or investigative journalism that is likely to challenge or threaten vested interests. There is little time to think and reflect. In the popular press especially, there is a growing dearth of in-house expertise.

In addition, the traditional media, and particularly the electronic media, is becoming ever-more dependent on information provided by social media. Such information may not be adequately assessed for bias (or even truthfulness) before being broadcast. This can, for instance in conflict zones, fundamentally influence the accepted narrative on which the policies of intervention are based.

### Crowdsourcing

‘Crowdsourcing’, which seems inherently democratic and can allow citizens to express their views on a wide variety of issues of public concern, provides a useful complement to traditional methods of political participation and mobilisation.

There are, however, dangers in automatically accepting the narrative that comes from crowdsourcing as a reliable reflection of the views of society as a whole. In the first place, participation is voluntary and, therefore, crowdsourcing is more likely to capture the opinions of those with strongly held views. It is quite possible that the views of others will be ignored by default. Additionally, those with easy access to the internet will be favoured over those without.

As crowdsourcing develops, and ‘one click politics’ takes off in earnest, the opposite danger is also likely to arise. It will be ever-easier to express a preference – possibly in response to a highly tendentious or manipulative campaign (perhaps sponsored by celebrities or populist politicians) – on issues about which one has not thought seriously, or seen debated rigorously, and about which one has little personal commitment. This, of course, is a recipe for cyber-populism at the expense of rational consideration of the issues.

### Impact on electoral management

There are a number of important ways in which new media can be harnessed to benefit the work of those responsible for managing elections. It can help to improve contact with and build confidence among constituencies that are often difficult to

reach, especially the young and women's organisations, and help build confidence in the electoral process. Social media can be a powerful tool in efforts to counter voter apathy.

### Importance of a good website

A well-functioning and easily accessible website of an election management body makes it possible to disseminate widely and at little cost a huge amount of information about the electoral process. Such information includes, for instance:

- the constitution of the country; the legal and regulatory framework; explanations of how the electoral system works;
- the make-up, powers and functions of the election management body; its membership and staffing; minutes of its meetings; press statements, news, speeches, general information; disclosure of procurement arrangements for the purchase of sensitive (notably ballots) and non-sensitive electoral materials; frequently asked questions;
- the electoral calendar; advice on qualifying for registration; the voters' register; consultation and objections to the demarcation of electoral boundaries; reports on boundary demarcation (including maps); the location of polling stations; arrangement for the nomination of candidates;
- the handbook for polling officers; training programmes and materials for registration and polling staff, party agents and observers;
- codes of conduct covering campaigning, the role of the media and observation; information on media monitoring;
- voter information and civic education materials;
- election results;
- minutes of the election management body's consultations with political parties and the government; information on candidate and party expenditure; and
- arrangements for citizen and international observation; election observation reports; the election management body's report on every electoral event.

The provision of such information will greatly increase public confidence in the electoral process.

### Direct contact with voters

Social media can also facilitate much wider direct, two-way communication with the electorate. The reach of social media messages is amplified through the 'network effect', whereby someone who receives the message shares it with all their contacts. Thus information 'posted' can be forwarded or shared with connections in its original form. This not only prevents corruption of the original message, but also emphasises the election management body as the 'single source of truth' in electoral matters. The election management body's reach therefore increases exponentially, with each follower/friend/fan connected through social media.

This can be particularly important in conveying information to specific social and traditionally hard-to-reach groups – connecting with a small number of key influencers in a target group, who then have the ability to easily distribute the message throughout the target community. The tactic can greatly help in building relationships, for instance, with key women's, youth, community or faith-based groups. Building such relations, however, takes time and it is important to begin well in advance of an election.

Also, the exchanges held on social media platforms – either between the election management body and its followers or among the followers themselves – are visible to a wider audience. This is especially important in post-conflict situations, when building confidence and trust between voters and political actors is crucial.

Events and activities – such as telephone enquiry services, public enquiry desks, suggestion boxes in public places, interactive radio and television programming and 'town hall' meetings – can be advertised more widely via new media channels to encourage greater public participation. Live online seminars, which make it possible to reach geographically dispersed constituencies from a central location, provide a useful addition to an election management body's education and outreach programmes. Internet webcasting, which makes it possible to broadcast voting as it is taking place, and provided that appropriate safeguards are in place to guarantee the secrecy of the ballot, can furnish the election management body with a useful tool to monitor particularly sensitive polling stations.

### Keeping in touch

Listening to the public, in a timeframe and through a channel of their own choosing, enables an election management body to gather valuable insights into the issues and concerns of the electorate.

Online polls; enabling the public to post or 'tweet' questions and comments that are publicly answered; and allowing users to create and comment on blog posts or articles can all be helpful in promoting engagement. Posting questions that encourage online debate; hosting information-sharing or question/answer sessions; allowing users to post videos; and using analysis software to identify key words being used have also proved to be beneficial to election management bodies who have already embraced this strategy.

Social media can play an important role in highlighting, in real time, what is happening on the ground during the campaign and while polling and the counting of votes is taking place. It can assist in monitoring trouble spots and thus alert the authorities about electoral malpractice or about potential or actual security breaches in or around polling stations.

### Implications for an election management body

Social media, in the hands of not just civil society and political parties but also the state, represents a new and powerful influence on elections. It is playing an increasingly prominent role in the political process throughout the globe. Electoral management

bodies, therefore, need to understand the likely impact of these technologies on the electoral environment and, where appropriate, should seek to encourage people to use them in a constructive and responsible manner.

Election management bodies need to explore and to experiment with innovative ways of using the new technology to access difficult-to-reach sections of the community. The potential is enormous; however, there are also concerns. Mobile technology can be manipulated, or even shut down, by the authorities during periods of crisis. Mobile devices, and the information they carry, are not necessarily secure, while the effectiveness and pitfalls of advocacy strategies have yet to be fully evaluated. Some of the applications that enable the more advanced use of mobile technology are also challenging for the uninitiated to use and might require specialist support. Notwithstanding all these concerns, there is no doubt that new technologies can greatly strengthen the effectiveness not only of an election management body, but also of civil society organisations, political parties and the media.

Yet social media can also be responsible for spreading misinformation and instigating or fanning conflict: for instance, by allowing politicians and their supporters to engage – seemingly with impunity – in incitement and in the propagation of ‘hate speech’. Such activities can be extremely difficult to regulate. Where such problems exist, or are likely to arise, it is advisable that the election management body should carefully track the impact of social media on an election campaign. Where breaches of the electoral law are apparent, it is important to use whatever tools are available to identify and punish the culprits. Given the nature of social media, this is easier said than done.

It is important that election management bodies should develop a comprehensive media strategy, including in regard to social media, designed to mobilise responsible participation by citizens in all aspects of the electoral process and in the country’s democratic life more generally. This should include arrangements for media monitoring and for the most effective use of both traditional and new media outlets to communicate with the electorate. The strategy needs to indicate clearly the human and material resources necessary to implement a creative and effective media programme and how these resources are to be secured.

## 4.8 Democracy in small and island states

Many of the structures and administrative arrangements employed in modern representative democracies have been designed to meet the needs of larger and arguably more administratively complex states. The Commonwealth’s core democratic values and principles, however, apply equally in small and island states as they do in larger countries. It is important in all cases to take into account the specific geographic and other characteristics, and the vulnerabilities of each state in determining the best approach in building a democratic society.

### Basic characteristics

Although they are each unique, small and island states share a number of characteristics, in addition to small population size, insularity and often remoteness, which may have

profound implications for democratic development. These countries can be ethnically or linguistically complex and their population growth rapid. The gap between rich and poor, between urban and rural, between employed and unemployed, is often marked. Even those with relatively high rates of economic growth have significant pockets of poverty. Additionally, the cost of living is high and the provision of infrastructure expensive. Often the capital city is overwhelmingly dominant in the country's political and social life, and may contain the bulk of the population.

Given their small size, there are high costs associated with running public institutions and delivering public services. Providing all the requirements of a modern state – ministries, regulations, taxation, education, health social services, foreign service, intelligence and defence – can be onerous for a small state.

These countries tend to have relatively large public sectors and the costs per capita of providing services are high. They cannot benefit from many of the economies of scale normally available to those providing such public goods. There is also often limited technical and professional capacity in both the public and the private sectors. The costs of tertiary education are high and, even for those with such education, the scope for high-level employment is limited. Skilled people often depart for 'greener pastures'.

There tends to be limited scope for economic diversification and dependence on a narrow resources base in these countries. The economies are open to global markets and some have serious problems with organised crime. In addition, small and island states tend to be particularly vulnerable to natural disasters, and climate change represents an existential threat.

In small and island states with small populations, there is a heightened risk of patronage politics and clientalism. In such circumstances, the neutrality of the public service is difficult to sustain. There is also a tendency for political parties, if they exist at all, to be vehicles for charismatic individuals or clan or family interests. Some small states have very traditional patriarchal cultures where, for instance, it is not expected or even permitted for women or young adults to stand for election. Similarly, 'gift-giving' is a strong tradition on some societies, which can easily corrupt relations between politicians and their constituents.

In theory small states – where personal relationships and trust, rather than bureaucratic rules, can be particularly influential – should be well placed to create a public service that is participatory, accountable and transparent. They can exhibit strong social cohesion and community solidarity, and may be flexible in responding to social and economic change. Politicians are likely to know all or most of their constituents personally, adding greater legitimacy. On the other hand, individuals or even communities that do not subscribe to the community consensus can find themselves in difficulty.

### Commonality and difference

Whatever the commonalities, there are marked differences among small and island states from the various regions of the world. Attitudes differ, for instance, on the role of women in public life, on the level of consensus about the role of the state, and on

the likelihood and nature of any popular demands for good governance. There are differences among single island states and those with two or more islands, sometimes spread over a huge geographical area.

### Pacific region

Although most Commonwealth countries now have multiparty democratic systems, this is not necessarily the case in the Pacific. A number of countries – for various reasons, often linked to the size of the country or the fact that the small, homogeneous, traditional population is thinly disbursed over widely spread islands – maintain a non-party system, whereby all candidates stand as independents.

In these systems, where election is often dependent strongly on kinship links and on the expenditure of money in gifts to voters, successful candidates seek to build alliances within parliament to further their political interests and those of their constituents. The formation and sustaining of a government, therefore, depends on alliances established among individuals. Given the lack of any party structure behind these individuals, there are obvious capacity constraints on the ability of such individuals to undertake serious policy formulation or to analyse government legislation or programmes.

Politics, and the possibility of securing political office, remains heavily dominated by men and it is extremely difficult for women or people without significant resources to secure election. The franchise is often restricted to people of 21 and over, and in some places there are significant restrictions on who may run for office.

Whether or not a country has a multiparty system or restricts election to a contest among individuals – provided that such a system commands the informed support of the population and is clearly established in the constitution and in legislation – the election management body has a responsibility to ensure a level playing field. The contest for political power needs to take place in a manner in which voters are free to support the candidates of their choice and to secure a change of the electoral system if that is desired.

It is particularly important that the corrupting influence of money on the political process should be controlled. The election management body needs to adopt a robust approach to ensure that the necessary regulations are in place, whether or not this involves state funding of political parties or candidates, and that these regulations are effectively monitored and abuses are punished.

Some countries have fully functioning and independent election management bodies. In others, such institutions do not – or not as yet – exist. Instead, elections are run by government bodies under the direct control of their ministers. Whichever is the case, those responsible for running elections should seek to act in a manner consistent with the core values of impartiality and transparency required by the Commonwealth principles on the independence of election management bodies.

Even where there is no permanent election management body and strong practical constraints on establishing such an institution exist, mechanisms should be put in place to enhance the independence of those responsible for running elections. This

might be achieved by ensuring an independent and effective element in the oversight and control of all election-related activities undertaken by the government. Such an arrangement might provide a stepping-stone towards the establishment of a fully functioning, permanent and independent election management body.

A coherent legal framework for the management of elections, requiring that those responsible act in a completely impartial manner and unambiguously outlawing malpractice (for instance bribery), needs to be enacted whatever institutional arrangements are in place. Such a legal framework should also insulate and protect those responsible for providing oversight and control of the electoral process.

Any appeals to culture in order to justify variance from the Commonwealth's fundamental political values must always be carefully evaluated and widely discussed. Societies change over time, and often those who wish to protect the fundamental values of their culture are best served by using the resources of that culture to adapt to such changed circumstances. A culture which lacks the dynamism necessary to address new challenges will inevitably prove vulnerable.

### Caribbean region

Notwithstanding the serious development challenges confronting the region, the Caribbean has – since the 1980s at least – proved itself able to sustain and indeed deepen an open electoral environment. The Commonwealth countries of the region regularly hold competitive elections in compliance with their constitutions, not infrequently resulting in changes of government. This is not to suggest that these elections are held without blemish. Some have been subject to justifiable criticisms.

There is always, of course, room for improvement. There are persistent concerns, for instance, about the adverse impact of political party and campaign financing regulations on the fairness of the electoral process. Reform of campaign funding is a primary issue discussed by the Association of Caribbean Electoral Organisations (ACEO). This issue also needs to be seen within the broader context of the effectiveness of a country's overall anti-corruption architecture and, in particular, its arrangements to make sure that those holding elective office, and other senior public servants, avoid conflicts of interest.

In some countries in the region, in the past at least, the electoral process has been associated with serious outbreaks of politically motivated violence. Even today, in some areas, criminality and violence can feed into the political process unless effectively contained. In addition, in some societies, identity politics and ethnic rivalry are capable of destabilising the political system. It is important, therefore, to remain alert to such potential pitfalls. Issues of peace building and conflict management need to remain on the agenda.

More broadly, there are concerns about the impact of the electoral system, inherited from the former colonial power, on the fairness and sustainability of the democratic process. The first-past-the-post system, for all its other advantages in providing strong and stable government, has a tendency to result in landslide victories and the consolidation of dominance by a very small number of political parties.

The legal and constitutional framework of democracy needs to be kept under periodic review – for instance, to ensure a correct balance of power among the three branches of government: the legislature, the executive and the judiciary. Constitutional reform, where it is necessary, can be important in making the political system fairer, more inclusive and fully accountable. It is not surprising, therefore, that issues of constitutional reform continue to be actively canvassed in the Commonwealth Caribbean.

### Implications for the election management body

The election management body, whether or not it is constitutionally independent, needs at all times to act as though it were. Where constitutional independence is not already the case, those responsible for managing elections should seek to establish a dialogue with all stakeholders, notably the incumbent government, on how best to introduce an effective independent element in their selection and oversight.

The administrative arrangements that determine how the election management body functions – whether it needs a permanent office, whether some or all of its staff are employed full time, how is it funded, and what oversight mechanisms should be in place to ensure openness, efficiency and transparency when the body is dormant – need to be carefully considered. Whatever arrangements are agreed upon, they should be consistent with Commonwealth core values and principles, and must command the full confidence of the population.

An important responsibility for the election management body should be to review periodically the workings of the democratic system to identify where reforms are needed. It is important that there should be wide-scale consultation on such proposals, including with traditional and community leaders, and civil society organisations, especially those representing the interests of women.

## 4.9 'Fair' or only 'Free'?

Relations between the election management body and citizen and international observers can be fraught. This may, in part at least, result from differences in the criteria adopted to judge the credibility or legitimacy of an election. Such problems are less likely to arise if both sides are agreed that, in the words of the Commonwealth Charter's values, an essential yardstick for assessment is that the election under scrutiny should be conducted 'fairly'.

Although observer groups and electoral experts now tend to avoid characterising elections as 'free and fair', the term is still widely used publicly. Additionally, in many countries it is included in the criteria established in legislation. Sometimes, however, commentators and even observers claim an election was 'free' but not 'fair'. What is meant by this is that even though the 'dice were unfairly weighted' against the opposition – for instance, by the state intervening in various ways on the part of the ruling party – the actual voting and counting processes were reasonably transparent.

The question, both for the election management body and for observers, remains: should such a blatantly unfair election still be considered acceptable?

Dispensing with the term 'free and fair' does not necessarily solve the problem. People, and especially the electorate concerned, want to know whether or not an election bestows legitimacy on the victors. Can those who have been elected undertake the burden of government knowing that, as required by the Universal Declaration of Human Rights, their authority is firmly grounded on 'the will of the people'? Must the losers, therefore, accept the outcome of the election and behave as a loyal opposition?

Claiming an election was 'free but not fair' muddies the waters. How can one be sure that an election that was not fairly conducted really does reflect the will of the people? It highlights the more fundamental concern, and one which does not disappear by avoiding these terms: how much weight should an election management body, and those observing an election, give to the fairness of the process in determining its legitimacy? Can an election that was not 'fair' ever be acceptable?

Judgements of this nature can be difficult. A blatantly stolen election – for instance, where the opposition is not permitted to stand or where the ballots have been flagrantly stuffed – may be obvious but, in most cases, the manipulation is subtler. Incumbents have become highly sophisticated in 'gaming' the system to ensure a pre-determined outcome, although this strategy sometimes fails. In the end, it is a matter of good judgement as to whether the election should be deemed truly legitimate.

Accusations of unfairness can relate to aspects of the electoral process itself, especially those beyond the view of observers, who may only be present during the voting: the demarcation of electoral boundaries or the registration of voters, for instance; or accusations may relate to constraints placed on the ability of people to organise and of parties to campaign freely.

However difficult it might be, observers cannot avoid making an assessment or judgement on the credibility of an election and of the election management body. Such judgements must cover the electoral process as a whole, but should be based only on what the observers themselves have observed. They should indicate the extent to which the constitutional and legal provisions governing the polls are consistent with international and regional standards and whether, in practice, they are respected in letter and spirit.

No election is ever perfectly fair. Yet substantial unfairness is relatively easy to identify. Where such lack of fairness raises serious doubt about the legitimacy of an election outcome, the onus should be on the election management body to intervene. The Declaration of Principles for International Election Observation and Code of Conduct for International Elections Observers, October 2005, to which the Commonwealth subscribes, now provides a solid basis for arriving at a sound judgement.

Sound judgements of this nature are only likely to be made by people who are clearly independent and of unimpeachable integrity. They must not have any selfish interest in the outcome of the election. However, it is not within the competence of observers, nor is it their job, to make judgements based on extraneous political considerations. These should be left to the competent authorities. In reality, however, too often concerns are expressed that pressure has been applied on regional or international

observers to temper their judgements so that they are in line with the interests of regional or global powers.

Circumlocutions – such as ‘free but not fair’ or ‘substantially reflecting the will of the people’ – are normally used to soften the blow when an election is clearly unsound. This leads, in practice, to understandable accusations of double standards because, while some elections are heavily criticised, others that display similar flaws are given a ‘clean bill of health’ on the basis of judgements which have little to do with the inherent fairness of the electoral process.

Giving a flawed election a clean or ambiguous bill of health is not only objectionable in principle, it is also self-defeating. If governments believe that it is possible to get away with conducting unfair elections, this will embolden them to keep trying. They will find ever-more sophisticated ways of cheating, and opposition politicians will feel they can behave in a similar fashion, if and when they ever manage to get into power.

### Implications for the election management body

The job of the election management body is to ensure that an election is undertaken in a manner fully consistent with its legal and moral responsibilities. Election management bodies must completely internalise the fact that fairness, including in regard to full respect for freedom of speech, assembly and association, is essential for legitimate elections.

Observers should always ensure that their judgements on an election cover the election process as a whole, and give appropriate weight to whether or not the political rights of voters have in practice been adequately protected by the authorities under the guidance of the election management body.<sup>3</sup>

There are understandable reasons why concerns have been expressed about the presence of serving politicians or even ministers, who inevitably have an interest in the outcome of the election, on state-sponsored or regionally-sponsored observer groups. The election management body must make it clear that such groups should exclude any extraneous political judgements from their judgement on the election.

## 4.10 Conclusion: Focusing on what matters most

### Clarity and consistency matter ...

Experience shows that people find it much easier to manipulate the electoral process if they can spread confusion and uncertainty about the legal framework, the regulations and practical arrangements for elections.

During the run-up to polling, it is therefore important to be wary of attempts on the part of the executive to change, for instance, the make-up of the election management body, to amend the legislative framework or regulations, or to manipulate funding. The involvement of a multiplicity of agencies, especially when they have unclear or overlapping mandates, can also be a recipe for confusion and manipulation.

In the words of the UN Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association: ‘... democracy, as reflected in the electoral process, generally involves the use of clear predictable processes with uncertain outcomes, while a non-democracy can be identified by the fact that the whole electoral process is characterised by unclear and uncertain processes but with predictable outcomes.’<sup>4</sup>

### ... but rules can never cover every eventuality

This is not to say, however, that clear and detailed regulations, established well in advance, guarantee a credible election. In fact, an excessively rules-based approach can carry its own dangers.

No matter how comprehensive and up-to-date the legislative framework and how good the established procedures, there are bound to be areas of ambiguity that require difficult decisions to be taken. This is because no set of laws or regulations is ever likely to be fully comprehensive.

There are often contingencies and unplanned-for events, which have not been foreseen in legislation and where the election management body is required to rule in situations of considerable uncertainty. It is simply impossible to foresee all eventualities.

Also, the standards that a society expects of politicians and political parties change over time and the rules and regulations often do not keep up. What might have been acceptable in the past is no longer acceptable to the current electorate.

### ... and may provide a cover for passivity

The development and promulgation of rules and regulations, and complicated procedures, can constrain action when it is urgently required. If any of those appointed to the election management body lack independence or are susceptible to political pressure or corruption, such rules, regulations and procedures can provide endless room for mischief or inaction.

There are, of course, many administrative mechanisms that can be used by officials who wish to stop an election management body from doing the right thing. They can insist on carrying out everything by the book and never permitting short cuts to be taken in order to speed up decisions. They can demand that decisions are postponed or referred back for consideration by a subcommittee. They tend to insist on time-wasting consultation while, at the same time, demanding excessive confidentiality for all decisions and processes. Such people raise doubts about the correctness of every decision, wasting time and distracting others from more substantive matters.

### Sound judgement, good sense, and courage matter most

In the end, what matters most is that those responsible for running an election, and seeking to protect the political rights of individuals and communities, act at all times with integrity and in accordance with the rule of law. They must also be able to

identify clearly those challenges which, if not dealt with judiciously and quickly, will damage the democratic credibility of an election.

It is essential that those responsible for the election management body show courageous leadership and, in particular, uphold the Commonwealth's values and principles to which the people of the Commonwealth are enduringly committed.

## Notes

- 1 Electoral Commission New Zealand *Report of the Royal Commission on the Electoral System* (1986), New Zealand.
- 2 Camino Kavanagh, Senior Fellow, NYU Center on International Cooperation speaking in London on 'Dirty Money in Politics', 11 December 2013.
- 3 The Declaration of Principles for International Election Observation and Code of Conduct for International Elections Observers, October 2015, provides a normative framework for arriving at such a judgement.
- 4 Maina Kiai para 4, Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, Maina Kiai, submitted by the UN Secretary-General to the General Assembly in accordance with Human Rights Council resolution 21/16 on 7 August 2013 (A/68/299).

## **Annexes**

# **Constitutional Provisions and Establishment Clause**

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## Antigua and Barbuda

<b>Background</b>	<b>Name of EMB:</b>	Electoral Commission – Antigua and Barbuda
	<b>Status:</b>	Permanent
<b>Establishment of the EMB</b>	<b>Number of commissioners:</b>	Seven
	<b>Number of full-time EMB staff:</b>	Fifty
	<b>Constitutional and/or legislative provisions for establishment of the EMB:</b>	Representation of the People (Amendment) Act 2001 and 2002
	<b>EMB’s mandate:</b>	The Electoral Commission was established for the purposes of conducting elections under the Representation of the People Act.
	<b>EMB model:</b>	Mixed
	<b>What standards are established in the constitution or other legislation for democratic legitimacy?</b>	The standards are enshrined in the Preamble of the Antigua and Barbuda Constitution Order 1981.
<b>Appointment, tenure and removals</b>	<b>Provisions for the appointment of commissioners:</b>	The Chairman is nominated by the Prime Minister after consultation with the Leader of the Opposition; the Deputy Chairman is nominated by the leader of the opposition after consultation with the Prime Minister; two members are nominated by the Prime Minister; one member is nominated by the leader of the opposition; one member is nominated jointly by the Antigua Christian Council and the United Evangelical Association; one member is nominated jointly by the Antigua and Barbuda Chamber of Commerce and Industry, the Antigua and Barbuda Trades Union Congress and the Antigua and Barbuda Employers’ Federation. All members are appointed by the Governor-General by instrument under the Public Seal.
	<b>Political status of commissioners:</b>	Appointments are made in their personal capacities.
	<b>Chair qualifications:</b>	None specified
	<b>Commissioner qualifications:</b>	None specified
	<b>Tenure of chair and commissioners:</b>	Tenure is seven years and member is eligible for re-appointment, but must leave on attaining the age of 75 years.

	<b>Provisions for the removal of commissioners:</b>	Removal is made after the matter is referred to a tribunal set up by the Governor-General following representation by the Prime Minister or Leader of the Opposition.
	<b>Provisions for the appointment of EMB senior staff:</b>	The supervisor of elections is appointed on resolutions by both houses of parliament; other staff are appointed by the Electoral Commission.
	<b>Tenure of EMB senior staff:</b>	On contract for fixed periods or having attained the age of 60 years.
	<b>Provisions for the removal of EMB senior staff:</b>	The Supervisor of Elections can only be removed by the Governor-General following recommendations of a tribunal; other staff can be removed by the Commission after due process.
<b>Funding arrangements</b>	<b>Setting and control of EMB's budget:</b>	The Commission prepares and forwards its budget to the minister responsible for electoral affairs for transmission to the Ministry of Finance.
	<b>Financial autonomy:</b>	The EMB has no financial autonomy as its funds are drawn from the Consolidated Funds controlled by the Ministry of Finance.
<b>Electoral system</b>	<b>Legal provisions for financial autonomy:</b>	None specified
	<b>Number of chambers/houses within the legislature:</b>	Bicameral: the House of Assembly – Lower House; the Senate – Upper House.
	<b>Voting system:</b>	First-past-the-post (FPTP)
	<b>Amendments to electoral laws:</b>	Amendments to electoral laws may be proposed to the Minister responsible or are drafted by the Attorney-General's Chambers and tabled in Parliament.
	<b>Drafting of electoral regulations:</b>	Subject to affirmative resolution of the House of Representatives, the Electoral Commission may amend regulations, or add to the rules contained in the First Schedule (Election Rules) of the Representation of the People (Amendment) Act 2002.
<b>Electoral disputes</b>	<b>Electoral dispute resolution mechanisms:</b>	Handled by the High Court by way of an Election Petition, in the first instance.
<b>Other issues:</b>	<b>Secretariat</b>	
	<b>Administrative autonomy:</b>	Yes
	<b>Women in senior positions:</b>	Ninety-five per cent of the positions in the EMB are filled by women.
	<b>Administrative structure:</b>	The departments are: Administrative, Data Processing and Registration.

Australia

<b>Background</b>	<b>Name of EMB:</b>	Australian Electoral Commission (AEC)
	<b>Status:</b>	Permanent
	<b>Number of commissioners:</b>	Three
<b>Establishment of the EMB</b>	<b>Number of full-time EMB staff:</b>	665
	<b>Constitutional and/or legislative provisions for establishment of the EMB:</b>	Commonwealth Electoral Act
	<b>EMB's mandate:</b>	Commonwealth federal elections (each state has its own EMB)
	<b>EMB model:</b>	Independent
	<b>What standards are established in the constitution or other legislation for democratic legitimacy?</b>	None specified
<b>Appointment, tenure and removals</b>	<b>Provisions for the appointment of commissioners:</b>	Commissioners are statutory appointments via Governor-General on the advice of the Federal Executive Council. In practice, these are managed through recommendations from the Special Minister of State. The Chair is selected from a list of three eligible judges submitted to the Governor-General by the Chief Justice of the Federal Council.
	<b>Political status of commissioners:</b>	All Commissioners are politically neutral.
	<b>Chair qualifications:</b>	Must be a current or former federal court judge.
	<b>Commissioner qualifications:</b>	<ol style="list-style-type: none"> <li>1. Electoral Commissioner (apolitical senior public servant);</li> <li>2. Commission Chair (former Federal Court judge);</li> <li>3. Non-judicial member (Commonwealth agency head – in practice the Australian statistician).</li> </ol>
<b>Tenure of chair and commissioners: Provisions for the removal of commissioners:</b>	<b>Tenure of chair and commissioners:</b>	Seven years maximum; eligible for re-appointment.
	<b>Provisions for the removal of commissioners:</b>	The Governor-General can terminate. Non-judicial member will be terminated if ceases to be an agency head (i.e. Australian statistician), absent from three consecutive meetings or fails to comply with obligations.

	<p><b>Provisions for the appointment of EMB senior staff:</b></p> <p>The Deputy Electoral Commissioner and Australian Electoral Officers (state managers) are statutory appointments through the Governor-General on advice from the Federal Executive Council. Other senior staff are appointed through a merit process according to Australian Public Service guidelines.</p> <p><b>Tenure of EMB senior staff:</b></p> <p>Seven years maximum; eligible for re-appointment.</p> <p><b>Provisions for the removal of EMB senior staff:</b></p> <p>Governor-General can terminate appointed staff for misbehaviour, incapacity, bankruptcy, absence without leave, or if he/she engages in other employment without permission.</p>	<p>The Deputy Electoral Commissioner and Australian Electoral Officers (state managers) are statutory appointments through the Governor-General on advice from the Federal Executive Council. Other senior staff are appointed through a merit process according to Australian Public Service guidelines.</p> <p>Seven years maximum; eligible for re-appointment.</p> <p>Governor-General can terminate appointed staff for misbehaviour, incapacity, bankruptcy, absence without leave, or if he/she engages in other employment without permission.</p>
<p><b>Funding arrangements</b></p>	<p><b>Setting and control of EMB's budget:</b></p> <p>The AEC's budget is set through the Australian government financial framework.</p> <p><b>Financial autonomy:</b></p> <p>The AEC does not have financial autonomy to re-appropriate its allocated funds.</p> <p><b>Legal provisions for financial autonomy:</b></p> <p>Governance, Performance and Accountability Act 2013, and the Australian Electoral Act.</p>	<p>The AEC's budget is set through the Australian government financial framework.</p> <p>The AEC does not have financial autonomy to re-appropriate its allocated funds.</p> <p>Governance, Performance and Accountability Act 2013, and the Australian Electoral Act.</p>
<p><b>Electoral system</b></p>	<p><b>Number of chambers/houses within the legislature:</b></p> <p>Bicameral.</p> <p><b>Voting system:</b></p> <p>For the Australian Lower House of Representatives, there is a full preferential voting system with single member electorates. For the Senate (upper house) there is optional full preferential voting/above the line voting (group ticket voting) via single transferable vote. Enrolment and voting in Australia are compulsory.</p>	<p>Bicameral.</p> <p>For the Australian Lower House of Representatives, there is a full preferential voting system with single member electorates. For the Senate (upper house) there is optional full preferential voting/above the line voting (group ticket voting) via single transferable vote. Enrolment and voting in Australia are compulsory.</p>
	<p><b>Amendments to electoral laws:</b></p> <p>Legislation can be proposed through the Federal parliament, the special minister of state (responsible for electoral affairs). Additionally, the Joint Standing Committee on Electoral Matters can recommend legislative amendments to the Commonwealth Electoral Act.</p>	<p>Legislation can be proposed through the Federal parliament, the special minister of state (responsible for electoral affairs). Additionally, the Joint Standing Committee on Electoral Matters can recommend legislative amendments to the Commonwealth Electoral Act.</p>
<p><b>Electoral disputes mechanisms:</b></p>	<p><b>Drafting of electoral regulations:</b></p> <p>The Governor-General makes regulations on advice from the special minister of state responsible for electoral matters.</p> <p><b>Electoral dispute resolution mechanisms:</b></p> <p>Matters can be referred to the Court of Disputed Returns/High Court of Australia.</p>	<p>The Governor-General makes regulations on advice from the special minister of state responsible for electoral matters.</p> <p>Matters can be referred to the Court of Disputed Returns/High Court of Australia.</p>

<p><b>Other issues:</b> <b>Secretariat</b></p>	<p><b>Administrative autonomy:</b></p>	<p>The Australian Electoral Commission has administrative autonomy to create, promote or abolish staff posts that are not statutory appointments. Restrictions apply to senior executive positions according to guidelines within the Australian Public Service.</p>
	<p><b>Women in senior positions:</b></p>	<p>Overall, women make up 68.2 per cent of permanent positions. Among senior executive staff, there are currently six women out of 20 positions (two of which are vacant).</p>
	<p><b>Administrative structure:</b></p>	<p>The AEC has a decentralised structure with a National Office, state offices in each capital city and divisional offices for each of 150 electorates (although some are collocated). The AEC's National Office has a total of nine branches: Education and Communications; Election Planning, Systems and Services; Election Policy and Reform; Finance and Business Services; Disclosure, Assurance and Engagement; Information Technology; Legal and Procurement; People Services; Roll Management.</p>

## The Bahamas

<b>Background</b>	<b>Name of EMB:</b>	Parliamentary Registration Department (PRD) – The Bahamas
	<b>Status:</b>	Permanent government agency (established in 1959)
	<b>Number of commissioners:</b>	Five members of the Constituencies Commission under Article 69
	<b>Number of full-time EMB staff:</b>	Eighteen permanent staff members (12 in New Providence and six in Grand Bahama)
<b>Establishment of the EMB</b>	<b>Constitutional and/or legislative provisions for establishment of the EMB:</b>	The PRD was established in 1959 under the House of Assembly Act. The Parliamentary Commissioner manages the Department, and derives his/her electoral authority from the Parliamentary Elections Act (PEA). The Department is responsible for conducting parliamentary elections every five years, local government elections every three years and school board elections every three years.
	<b>EMB's mandate:</b>	Statutory functions include: <ol style="list-style-type: none"> <li>1. Creation of Electoral Quinquennial Register, and the continuous registration of voters;</li> <li>2. Creation of jury lists and regular revision of electoral register;</li> <li>3. Delimitation of constituency and polling division boundaries, and legal descriptions;</li> <li>4. Processing of nominated political candidates;</li> <li>5. Archiving and retention of all electoral materials;</li> <li>6. Conduct of general elections, referenda, local government elections, school board elections and by-elections, as need arises.</li> <li>7. Appointment of all electoral staff and poll workers.</li> </ol> Government-controlled agency
	<b>EMB model:</b>	Government-controlled agency
	<b>What standards are established in the constitution or other legislation for democratic legitimacy?</b>	Parliamentary Elections Act; Articles 68, 69 and 70 of the Constitution

<b>Appointment, tenure and removals</b>	<b>Provisions for the appointment of commissioners:</b>	The Governor-General appoints the Speaker; one Supreme Court judge; two members of governing party; one member of opposition party, via Article 69 of the Constitution.
	<b>Political status of commissioners:</b>	Four members via political appointments; one member, judge of Supreme Court.
	<b>Chair qualifications:</b>	Election as Speaker of the House of Assembly (first, an elected politician of majority party).
	<b>Commissioner qualifications:</b>	Four elected politicians (three majority party, one minority party; one High Court judge).
	<b>Tenure of chair and commissioners:</b>	Constituencies Commission – Every five years (life of parliament) – Article 69
	<b>Provisions for the removal of commissioners:</b>	Egregious unethical conduct; retirement; demise (only prime minister or Governor-General).
	<b>Provisions for the appointment of EMB senior staff:</b>	Through the Governor-General on the advice of the Public Service Commission
	<b>Tenure of EMB senior staff:</b>	Permanent staff are permanent and pensionable; via Public Service Regulations
	<b>Provisions for the removal of EMB senior staff:</b>	Egregious unethical conduct; retirement; demise (or through the Governor-General via Public Service Commission Rules and Regulations).
	<b>Funding arrangements</b>	<b>Setting and control of EMB's budget:</b>
<b>Financial autonomy:</b>		Parliamentary commissioner: within approved budget allocations, via approval from the financial secretary, Ministry of Finance.
<b>Legal provisions for financial autonomy:</b>		Financial Administration and Audit Act – Budgetary allocations to government agencies
<b>Number of chambers/houses within the legislature:</b>		Bicameral: The House of Assembly – Lower House; The Senate – Upper House
<b>Electoral system</b>	<b>Voting system:</b>	First-past-the-post (FPTP) – Electoral system in place for Lower House; appointed members for Upper House
	<b>Amendments to electoral laws:</b>	Proposed by the Attorney-General or majority party in parliament; members' bill etc. Approval verified in both House of Assembly and the Senate; assented to by Governor-General.
	<b>Drafting of electoral regulations:</b>	EMB may advance recommendations of regulations to the Attorney-General for approval and for consideration and approval by the government.

<b>Electoral disputes</b>	<b>Electoral dispute resolution mechanisms:</b>	Section 80 of the Parliamentary Elections Act allows for the appointment of an Election Court to solve electoral disputes.
<b>Other issues:</b>		
<b>Secretariat</b>	<b>Administrative autonomy:</b>	The Public Service Commission is responsible for promotions, discipline and dismissal of persons in the public service.
	<b>Women in senior positions:</b>	Six of 18 staff or 33.3 per cent of permanent employees are females – not including redeployed persons to PRD.
	<b>Administrative structure:</b>	<p>This agency/department is headed by a Parliamentary Commissioner who serves as chief advisor to the government and the Constituencies Commission. The Bahamas is an archipelagic nation with some 700 islands and cays. Thirty of the islands are inhabited (26,000 population), each with a mini-administrative/electoral structure headed by a district administrator. Each administrator is assigned electoral functions as a representative of the parliamentary commissioner. The department has its:</p> <ol style="list-style-type: none"> <li>1. Main headquarters in New Providence (approx.: 126,000 population).</li> <li>2. A sub-office in Grand Bahamas (27,000 population), five constituencies.</li> <li>3. General administration, voter registration and co-ordination of all electoral matters; financial administration, computer data management; archive of counterfoils; records research and development; election supplies; human resources; voter education and overseas co-ordination unit.</li> </ol> <p>Family island co-ordination, voter registration; voter education and training.</p> <ol style="list-style-type: none"> <li>4. Parliamentary Commission and the Constituencies Commission have apportioned 38 constituencies, comprising 500 polling stations in the country. Each constituency is administered by a returning officer.</li> </ol>

## Bangladesh

<b>Background</b>	<b>Name of EMB:</b>	Election Commission Bangladesh
	<b>Status:</b>	Permanent
	<b>Number of commissioners:</b>	Five commissioners including the Chief Election Commissioner
	<b>Number of full-time EMB staff:</b>	2,700
<b>Establishment of the EMB</b>	<b>Constitutional and/or legislative provisions for establishment of the EMB:</b>	According to Articles 118 to 126 of the Constitution of Bangladesh, there shall be an independent Election Commission of Bangladesh. Functions of the Election Commission are well defined in those articles.
	<b>EMB's mandate:</b>	According to Article 119 of the Constitution, the superintendence, direction and control of the preparation of the electoral rolls for elections to the Office of President and to Parliament and the conduct of such elections vested in the Election Commission which shall, in accordance with this constitution and any other law – (a) hold elections to the Office of President; (b) hold elections of Members of Parliament; (c) delimit the constituencies for the purpose of elections to Parliament; and (d) prepare electoral rolls for the purpose of elections to the Office of President and to Parliament. According to the Constitution and other relevant laws, the Election Commission Bangladesh also conducts different local government elections like city corporation elections, municipality elections, <i>upazila</i> (sub-district) elections and <i>union parishad</i> (union council) elections.
<b>Appointment, tenure and removals</b>	<b>EMB model:</b>	Independent
	<b>What standards are established in the constitution or other legislation for democratic legitimacy?</b>	The Republic of Bangladesh shall be a democracy in which fundamental human rights and freedoms and respect for the dignity and worth of the human person shall be guaranteed and in which effective participation by the people through their elected representatives in administration at all levels shall be ensured.
	<b>Provisions for the appointment of commissioners:</b>	The President appoints the Commissioner. A search committee is formed and the committee recommends a panel of prospective election commissioners to the Honourable President. The Honourable President appoints the Chief Election Commissioner and other election commissioners from the panel.

	<p><b>Political status of commissioners:</b> Non-political</p> <p><b>Chair qualifications:</b> Appointments are based on expertise. Generally retired chief justice/secretary to the government etc.</p> <p><b>Commissioner qualifications:</b> Generally retired justice/secretary to the government/defence personnel, etc. are appointed as commissioner.</p> <p><b>Tenure of chair and commissioners:</b> Five years. A person who has held office as Chief Election Commissioner shall not be eligible for appointment in the service of the Republic; any other election commissioner shall, on ceasing to hold office as such, be eligible for appointment as Chief Election Commissioner, but shall not be otherwise eligible for appointment in the service of the Republic.</p> <p><b>Provisions for the removal of commissioners:</b> The conditions of service of the election commissioners are determined by the order of the President. An election commissioner shall not be removed from his office except in like manner and on the like grounds as a judge of the Supreme Court (Article 118(5) of the constitution). That is, he shall not be removed from his office except by an order of the President passed pursuant to a resolution of Parliament supported by a majority of not less than two-thirds of the total number of Members of Parliament, on the ground of proved misbehaviour or incapacity.</p> <p><b>Provisions for the appointment of EMB senior staff:</b> Appointment by the government</p> <p><b>Tenure of EMB senior staff:</b> 59 years of age</p> <p><b>Provisions for the removal of EMB senior staff:</b> Senior staff are subject to the Commission's disciplinary process set out under the Public Servants (Dismissal on Conviction) Ordinance, 1985, the Government Servants (Special Provisions) Ordinance, 1979, Election Officer (Special Provisions) Act 1991.</p>
<p><b>Funding arrangements</b></p>	<p><b>Setting and control of EMB's budget:</b> Section 7(1) of the Election Commission Secretariat Act, 2009, provides that the government shall allocate funds on the basis of the requirements of the Election Commission.</p> <p><b>Financial autonomy:</b> Section 7(2) of Election Commission Secretariat Act, 2009, provides that, once the amount is granted, the Election Commission does not need to ask permission from the government to spend.</p>

	<p><b>Legal provisions for financial autonomy:</b></p> <p><b>Number of chambers/houses within the legislature:</b></p> <p><b>Voting system:</b></p> <p><b>Amendments to electoral laws:</b></p> <p><b>Drafting of electoral regulations:</b></p> <p><b>Electoral dispute resolution mechanisms:</b></p>	<p>Article 88(b) and (c) of the Constitution of Bangladesh provides that the remuneration payable to the election commissioners and their administrative expenses, including remuneration payable to officers and servants of the election commissioner, shall be charged upon the Consolidated Fund.</p> <p>Unicameral</p> <p>Majoritarian (FPTP)</p> <p>The Election Commission drafts the law and Parliament approves it. Yes, and forward to Parliament for adoption.</p> <p>Under Article 49 of the Representation of the People Order, 1972, an election petition shall be presented to the High Court Division within such time as may be prescribed. Every election petition and every schedule or annex to that petition shall be signed by the petitioner and verified in the manner laid down in the Code of Civil Procedure, 1908, for the verification of pleadings. Any person aggrieved by a decision of the High Court Division may, within 30 days of the announcement of the decision, appeal to the Appellate Division, if it grants leave to appeal.</p>
<p><b>Other issues:</b></p> <p><b>Secretariat</b></p>	<p><b>Administrative autonomy:</b></p> <p><b>Women in senior positions:</b></p> <p><b>Administrative structure:</b></p>	<p>Article 126 of the Constitution and Articles 4 and 5 of the Representation of the People Order, 1972, provide that it shall be the duty of all executive authorities to assist the Election Commission in the discharge of its functions. The commission has the power to require any person or authority to perform such functions or render such assistance for the purpose of election as it may direct.</p> <p>All commissioners are male. At the Secretariat, there is only one woman at senior staff level.</p> <p>The commissioners are the policy organ of the Election Commission. The Secretary heads the Secretariat, while the Director-General heads the Electoral Training Institute. At field level, there are ten regional election offices, each headed by a regional election officer (REO) and 64 district election offices, each headed by a district election officer. At the lowest tier of the field offices, there are 514 <i>upazila/thana</i> election offices headed by <i>upazila/thana</i> election officers.</p>

## Barbados

<b>Background</b>	<p><b>Name of EMB:</b> Electoral and Boundaries Commission of Barbados (EBC).</p> <p><b>Status:</b> Permanent</p> <p><b>Number of commissioners:</b> Five</p> <p><b>Number of full-time EMB staff:</b> Sixty-six staff permanently employed; 30 are employed by the EBC and 36 by the Ministry of the Civil Service (MSC). For the conduct of elections, approximately 2,200 additional staff are employed by the EBC and an additional 12 by the MCS.</p>
<b>Establishment of the EMB</b>	<p><b>Constitutional and/or legislative provisions for establishment of the EMB:</b> The EBC was established under Section 41A of the Constitution of Barbados and its substantive legislation is found in the Representation of the People Act Cap 12, including the Rules for the Conduct of Elections, Regulations for the Registration of Electors, Regulations for the Allocation of Broadcasting Time and the Election Offences and Controversies Rules.</p> <p><b>EMB's mandate:</b> The registration of voters and the conduct of elections in every constituency, or matters that appear to the EBC to be incidental to or consequential upon either, are subject to the direction and supervision of the EBC particularly:</p> <ol style="list-style-type: none"> <li>a. the continuous registration of electors;</li> <li>b. the maintenance of an accurate and up-to-date Register of Electors;</li> <li>c. management of the nomination day process;</li> <li>d. ensuring the conduct of free, fair and transparent parliamentary elections;</li> <li>e. reviewing the number and boundaries of the constituencies into which Barbados is divided, ensuring, as far as practicable, that the number of persons in constituencies does not exceed constitutional provisions and submitting a report on the boundaries to the minister for presentation to parliament;</li> <li>f. allocation of broadcasting time;</li> <li>g. the EMB is currently responsible for continuous national registration and the issue of national identification cards, which will shortly be brought under the purview of the EBC through legislation which is awaiting debate and approval by the parliament;</li> <li>h. regulating the amount of money that may be spent by or on behalf of a candidate in respect of an election and the publication of the monies spent by each candidate.</li> </ol>

	<b>EMB model:</b>	Mixed
	<b>What standards are established in the constitution or other legislation for democratic legitimacy?</b>	No legislated standards
<b>Appointment, tenure and removals</b>	<b>Provisions for the appointment of commissioners:</b>	The chairman and two other members are appointed by the Governor-General, acting on the recommendation of the prime minister after consultation with the leader of the opposition. The deputy chairman and one other member are appointed by the Governor-General, acting on the recommendation of the leader of the opposition after consultation with the prime minister.
	<b>Political status of commissioners:</b>	Based on political party affiliation
	<b>Chair qualifications:</b>	There is no legislative or other documented academic qualification requirement.
	<b>Commissioner qualifications:</b>	There is no legislative or other documented academic qualification requirement.
	<b>Tenure of chair and commissioners:</b>	Commissioners are appointed for a five-year term, which is renewable.
	<b>Provisions for the removal of commissioners:</b>	A commissioner can be removed by the Prime Minister, after consultation with the Leader of the Opposition, on the advice of a tribunal established for that purpose.
	<b>Provisions for the appointment of EMB senior staff:</b>	The senior staff of the commission are appointed by the Public Administration Department of the Ministry of the Civil Service after an interviewing process.
	<b>Tenure of EMB senior staff:</b>	Senior staff can remain in office until retirement at age 66.
	<b>Provisions for the removal of EMB senior staff:</b>	Senior staff may be transferred or removed under the terms of the disciplinary procedures outlined in the Public Service Act.
<b>Funding arrangements</b>	<b>Setting and control of EMB's budget:</b>	The Ministry of Finance
	<b>Financial autonomy:</b>	Only with the approval of the Ministry of Finance.
	<b>Legal provisions for financial autonomy:</b>	The EMB does not have financial autonomy.

<b>Electoral system</b>	<p><b>Number of chambers/houses within the legislature:</b> Bicameral: nominated Senate (upper house) and an elected House of Assembly (lower house).</p> <p><b>Voting system:</b> First-past-the-post (FPTP)</p> <p><b>Amendments to electoral laws:</b> Recommendations are made by the EBC to the Cabinet of Barbados; if Cabinet approves, they are then debated and passed in parliament.</p> <p><b>Drafting of electoral regulations:</b> The EMB may draft but not adopt regulations; the draft regulation would be approved by the Cabinet and laid in parliament.</p> <p><b>Electoral dispute resolution mechanisms:</b> Pre-poll disputes are determined by the EMB; post-poll disputes are heard before three High Court judges, who constitute an Election Court.</p>
<b>Other issues:</b>	
<b>Secretariat</b>	<p><b>Administrative autonomy:</b> No, this autonomy is with the Ministry of the Civil Service.</p> <p><b>Women in senior positions:</b> Two of the five commissioners, the chief electoral officer and the senior executive officer, are women.</p> <p><b>Administrative structure:</b> The Commission is the policy organ with respect to the registration of electors and the conduct of elections. The cabinet secretary is the (equivalent of) permanent secretary, heading the administrative arm/secretariat (the Electoral Department). The Electoral Department is headed by the chief electoral officer (CEO) and assisted by a deputy and an assistant CEO.</p> <p>There are five main units or sections:</p> <ul style="list-style-type: none"> <li>• The Registration Unit, responsible for national and electoral registration;</li> <li>• The Photography Unit, responsible for the production and delivery of Identification cards;</li> <li>• The Updating Unit, responsible for updating the Register of Electors after investigation and validation of registrations;</li> <li>• The Information Technology Unit, responsible for IT and geographic information service (GIS) matters;</li> <li>• The Administrative Units, responsible for human resources, procurement and accounting, and general administrative matters.</li> </ul>

Belize

<b>Background</b>	<b>Name of EMB:</b>	Elections and Boundaries Commission/Department of Belize
	<b>Status:</b>	Permanent
	<b>Number of commissioners:</b>	Five commissioners including the chairperson.
	<b>Number of full-time EMB staff:</b>	Sixty-nine permanent staff (additional temporary staff are employed during an election period)
	<b>Constitutional and/or legislative provisions for establishment of the EMB:</b>	Section 88 of the Belize Constitution establishes the Elections and Boundaries Commission. The legislative provisions are the Representation of the People Act, City Council Acts, Town Council Act, Village Council Act, Referendum Act and Recall Of Elected Representative Act.
<b>Establishment of the EMB</b>	<b>EMB's mandate:</b>	Responsible for the direction and supervision of the registration of voters, conduct of elections, referenda and all matters connected therewith, re-registration of voters, boundary redistricting, voter education and matters for recall of elected representatives.
	<b>EMB model:</b>	There are two electoral management bodies: the Elections and Boundaries Commission and the Elections and Boundaries Department. The Commission is independent, as commissioners shall not be subject to the direction or control of any other person or authority and shall act in accordance with the Representation of the People Act or any other law, rule or regulation. The Department is under a government ministry headed by a minister.
	<b>What standards are established in the constitution or other legislation for democratic legitimacy?</b>	The Constitution and the Representation of the People Act provide for every citizen of Belize or a citizen of any Commonwealth country who has attained the age of 18 years and who satisfies the requirements of the Representation of the People Act shall have the right to vote. Votes shall be cast in a secret ballot.

<b>Appointment, tenure and removals</b>	<b>Provisions for the appointment of commissioners:</b>	The Chair and two other members shall be appointed by the Governor-General, acting in accordance with the advice of the prime minister, given after consultation with the leader of the opposition. The remaining two members shall be appointed by the Governor-General, acting in accordance with the advice of the prime minister, given with the concurrence of the leader of the opposition. In the process of consultation with the leader of the opposition for the appointment of the chair, the prime minister shall use his/her best endeavours to secure the agreement of the leader of the opposition.
<b>Political status of commissioners:</b>	<b>Chair qualifications:</b>	Political party affiliation (three ruling party and two opposition party)
<b>Commissioner qualifications:</b>	<b>Tenure of chair and commissioners:</b>	No specific qualification; however, the chair shall be a person of integrity and high national standing. No person is qualified to be appointed as a member of the commission if he or she is a member of the National Assembly or if he/she holds or is acting in any public office. No specific qualification; however, all commissioners shall be persons of integrity and high national standing. No person is qualified to be appointed as a commissioner if he or she is a member of the National Assembly or if he/she holds or is acting in any public office. All Commissioners are appointed for a five-year term on a renewable basis.
<b>Provisions for the removal of commissioners:</b>	<b>Provisions for the appointment of EMB senior staff:</b>	Commissioners can only be removed from office for inability to perform the functions of office (whether arising from infirmity of mind or body of from any other cause) or for misbehaviour, and shall not be so removed. Removal is referred to the Belize Advisory Council, which advises the Governor-General on the issue of removal. EMB staff are the responsibility of the Chief Elections Officer, who heads the Election and Boundaries Department. This Department is one of the two electoral management bodies (the Election and Boundaries Department and Elections and Boundaries Commission). The Department staff are public officers, who are appointed by the Public Services Commission and governed by the Public Services Regulations. The Department is a government department which falls under a government ministry.

	<p><b>Tenure of EMB senior staff:</b></p>	<p>The mandatory retirement age is 55 years; therefore, officers can work up to the age of 55 years if they so desire.</p>
	<p><b>Provisions for the removal of EMB senior staff:</b></p>	<p>Removal of senior staff is made through the process outlined in the Public Services Regulations. This process involves the Public Services Commission, which is also a constitutional body, writing to the officer with reasons for the intended removal. The officer would then be given a chance to respond. All documentation goes to the Public Services Commission, which reviews the circumstances and sets a hearing when deemed necessary. Officers are allowed to have union or legal representatives. Officers also have the option to appeal to the Belize Advisory Council if they are not satisfied with the decision of the Public Services Commission.</p>
<p><b>Funding arrangements</b></p>	<p><b>Setting and control of EMB's budget:</b></p>	<p>It is the responsibility of the Elections and Boundaries Department to prepare a proposed budget based on the EMB's needs and to submit this to the ministry. Thereafter it goes through the budgetary cycle of government. Ceilings etc. are set by the Ministry of Finance, which is the ministry responsible for approval of funds.</p>
	<p><b>Financial autonomy:</b></p>	<p>There is no financial autonomy. The department falls under a government ministry, which has a chief executive officer who is the accounting officer for the department. The minister responsible for finance prepares and lays before parliament in each financial year, estimates of revenues and expenditures for the following financial year. Supplemental funds can be approved in circumstances where the amount appropriated is insufficient.</p>
	<p><b>Legal provisions for financial autonomy:</b></p>	<p>Legal provisions are the Financial Orders, Stores Orders, Control of Public Expenditure, Finance and Audit (Reform Act), which are acts governing all government ministries/departments, as there is no financial autonomy.</p>
<p><b>Electoral system</b></p>	<p><b>Number of chambers/houses within the legislature:</b></p>	<p>Bicameral: the Senate consist of 12 members appointed by the Governor-General for a five-year period (six on the advice of the prime minister, three on the advice of the leader of the opposition, one each on the advice of the Belize Council of Churches, Belize Chamber of Commerce and Industry and National Trade Union Congress). The House of Representatives consists of 31 members elected by direct popular vote (first-past-the-post).</p>

	<b>Voting system:</b>	FPTP.
	<b>Amendments to electoral laws:</b>	Both electoral management bodies (the Commission and the Department) can propose amendments to electoral laws. These bodies work hand in hand, as the commission delegates its duties to the chief elections officer. The chief elections officer also serves as the secretary to the commission.
	<b>Drafting of electoral regulations:</b>	No drafting is done by the commission/department. Recommendations for changes are sent to the Attorney-General's ministry, which has legal staff to deal with drafting for all government entities – including the commission/department. The minister responsible for elections has the power to make changes, and therefore would consult with cabinet on any proposed changes. The minister would then sign the amendment into law.
<b>Electoral disputes</b>	<b>Electoral dispute resolution mechanisms:</b>	Electoral disputes are resolved by filing an election petition at the Supreme Court and tried by a judge who is referred to as an 'election judge'.
<b>Other issues:</b>		
<b>Secretariat</b>	<b>Administrative autonomy:</b>	The Elections and Boundaries Department can recommend; however, the Ministry of the Public Service and the Ministry of Finance have to give approval. The Elections and Boundaries Department falls directly under the Ministry of the Public Service for all administrative matters.
	<b>Women in senior positions:</b>	The Elections and Boundaries Commission: two of five or 40 per cent of the commissioners are women. The Elections and Boundaries Department: 18 of 22 or 81 per cent of the senior officers are women.

	<p><b>Administrative structure:</b></p>	<p>The commission is an independent body and makes all policies, which the department staff are required to carry out. For the purpose of discharge of its functions, the commission may confer any of its powers and impose any of its duties on the chief elections officer. The chief elections officer is assisted by one assistant chief elections officer.</p> <p>The department has responsibility to carry out all functions relating to elections. these include:</p> <ol style="list-style-type: none"><li>1. conducting general, municipal and village council elections, including any by-elections;</li><li>2. voter registration;</li><li>3. referendum;</li><li>4. boundary delimitation;</li><li>5. voter education;</li><li>6. public education;</li><li>7. training of election workers etc.</li><li>8. All officers are expected to be versed in all areas, as there are no separate departments.</li><li>9. There are 14 registration offices across the country and each office is responsible for all aspects of electoral matters. Additionally, the central office provides the administrative and financial hub, along with key areas such as data management.</li></ol>
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## Botswana

<b>Background</b>	<b>Name of EMB:</b>	Independent Electoral Commission – Botswana
	<b>Status:</b>	Part-time (commissioners) and permanent Secretariat
	<b>Number of commissioners:</b>	Seven members including the chair
	<b>Number of full-time EMB staff:</b>	The EMB has a staff complement of 173 employees and is recruited on a permanent basis. An additional ten officers serve on secondment from other government departments for the provision of specialised services to the EMB. They are also in permanent employment.
<b>Establishment of the EMB</b>	<b>Constitutional and/or legislative provisions for establishment of the EMB:</b>	Sections 65A and 66 of the Constitution of Botswana. The Judicial Service Commission (JSC) appoints the chairman, who shall be a judge of the High Court, and his or her deputy, who shall be a legal practitioner. The JSC appoints five other members from a list of persons recommended by the All Party Conference. The Secretariat of the Commission is headed by a secretary (Chief Executive Officer) appointed directly by the President, and his or her functions are subject to the directions and supervision of the Commission (Section 66 of the Constitution).
	<b>EMB's mandate:</b>	The Commission is responsible for the conduct and supervision of elections for elected members of the National Assembly, those for members of the local authority and for the conduct of a referendum. It ensures that elections are conducted efficiently, properly, freely and fairly. The EMB is a mixed model.
<b>Appointment, tenure and removals</b>	<b>EMB model:</b>	Sections 61, 62, 66, 67, 68, 69 and 91 of the Constitution of Botswana, the Electoral Act, the Referendum Act and the Supplementary Provisions for Presidential Elections.
	<b>What standards are established in the constitution or other legislation for democratic legitimacy?</b>	
	<b>Provisions for the appointment of commissioners:</b>	Section 65A of the Constitution of Botswana. The Judicial Service Commission (JSC) appoints the chair, who shall be a judge of the High Court, and his or her deputy, who shall be a legal practitioner. The JSC appoints five other members from a list of persons recommended by the All Party Conference.

	<b>Political status of commissioners:</b>	The appointment of commissioners is based on expertise. Commissioners have no political status.
	<b>Chair qualifications:</b>	The Chair shall be a judge of the High Court (Section 65A (1) (a) of the Constitution of Botswana).
	<b>Commissioner qualifications:</b>	No qualifications other than those of the chair and his/her deputy. However, appointments are based on experience and the moral standing of an individual in public affairs.
	<b>Tenure of chair and commissioners:</b>	The term of office for the commission is two successive lives of parliament, which is ten years.
	<b>Provisions for the removal of commissioners:</b>	There is no security of tenure for commissioners in the law.
	<b>Provisions for the appointment of EMB senior staff:</b>	Members of the Secretariat are appointed in accordance with employment policies and procedures determined by the Directorate of Public Service Management (DPSM) and are part of the larger public service. This appointment includes that of the deputy secretary. This cadre remain subject to redeployment to other departments within the public service, as their appointments are also governed by the Public Service Act.
	<b>Tenure of EMB senior staff:</b>	Senior staff are employed until the compulsory retirement age of 60 years. However, members of the executive cadre (two officers) are appointed on a three-year contract basis.
	<b>Provisions for the removal of EMB senior staff:</b>	The removal follows the procedures laid down in the Public Service Act, General Orders and associated directives which regulate the public service.
<b>Funding arrangements</b>	<b>Setting and control of EMB's budget:</b>	Budgeting and utilisation of funds follow the Public Financing Instructions and Financial Procedures under the direction of the Ministry of Finance and Development Planning. The commission submits its budget proposal to the ministry, which assesses it within the government's general budget ceiling. After approval of the estimation, the budget is presented by the minister for presidential affairs and public administration and debated in parliament, with subsequent approval.
	<b>Financial autonomy:</b>	The EMB does not have financial autonomy.
	<b>Legal provisions for financial autonomy:</b>	The EMB does not have a legal basis for financial autonomy.

<b>Electoral system</b>	<b>Number of chambers/houses within the legislature:</b>	One house (the National Assembly) of 57 elected members and four specially nominated members.
	<b>Voting system:</b>	Majoritarian (FPTP)
	<b>Amendments to electoral laws:</b>	EMB and stakeholders recommend and propose amendments to the executive.
	<b>Drafting of electoral regulations:</b>	Yes, as long as such do not have statutory implications in the laws of Botswana.
	<b>Electoral dispute resolution mechanisms:</b>	EMB-established Party Liaison Committees, comprising representatives of political parties and civil society organisations under its chair. They deal with electoral disputes at the local level before escalation to courts of law.
<b>Other issues:</b>		
<b>Secretariat</b>	<b>Administrative autonomy:</b>	Administrative autonomy under the direction and advice of the Directorate of Public Service Management, which controls the size of the public service.
	<b>Women in senior positions:</b>	There are 11 women in senior positions, out of 183 permanent members of staff (6 per cent).
	<b>Administrative structure:</b>	The EMB operates with five units, these being: Elections; Information/Education and Research; Information Technology; Public Relations; as well as Human Resources and Administration.

Cameroon

<b>Background</b>	<b>Name of EMB:</b>	Elections Cameroon (ELECAM)
	<b>Status:</b>	Permanent
	<b>Number of commissioners:</b>	18
	<b>Number of full-time EMB staff:</b>	2,500
	<b>Constitutional and/or legislative provisions for establishment of the EMB:</b>	Electoral Code; Decree of Application; Law on Political Parties; Resolutions of The Board.
<b>Establishment of the EMB</b>	<b>EMB's mandate:</b>	ELECAM organises, manages and supervises presidential, senatorial, parliamentary, council and regional elections, as well as referenda all over the country.
	<b>EMB model:</b>	Independent
	<b>What standards are established in the constitution or other legislation for democratic legitimacy?</b>	Political parties shall work with their members to make informed choices. ELECAM members shall, under no circumstances, seek or receive instructions or orders from any public or private authority during the performance of their duties. They may not be prosecuted, investigated, arrested, detained or tried for their views expressed in the performance of their duties. Save in cases of <i>in flagrante delicto</i> , they may not be prosecuted during their tenure of office. The duties of members of ELECAM shall be incompatible with those of candidates standing for the elections supervised by ELECAM. The minister of finance shall disburse funds to ELECAM as priority state expenditure. ELECAM shall have an annual budget and an elections budget in an election year. The accounts of ELECAM shall be audited annually by the relevant state services.
<b>Appointment, tenure and removals</b>	<b>Provisions for the appointment of commissioners:</b>	ELECAM members shall be appointed by Presidential Decree upon consultation with political parties represented in the National Assembly and civil society. The Director-General of Elections and his or her deputy shall be appointed by the President of the Republic.

	<p><b>Political status of commissioners:</b></p> <p>ELECAM members shall be designated from among independent personalities of Cameroonian nationality, recognised for their competence, moral uprightness, intellectual honesty, patriotism, neutrality and impartiality.</p> <p><b>Chair qualifications:</b></p> <p>None specified</p> <p><b>Commissioner qualifications:</b></p> <p>None specified</p> <p><b>Tenure of chair and commissioners:</b></p> <p>ELECAM members have a four-year renewable mandate, while the Director-General of Elections and his or her deputy have a renewable five-year term.</p> <p><b>Provisions for the removal of commissioners:</b></p> <p>The President of the Republic may terminate the term of office of a member of the Electoral Board or that of the Director-General of Elections or his or her deputy for gross misconduct (or physical or mental incapacity), duly established by the Electoral Board.</p> <p><b>Provisions for the appointment of EMB senior staff:</b></p> <p>At the level of the Director-General of Elections, senior staff are appointed by the Director-General on approval of the Electoral Board; at the regional delegation by the Electoral Board on the proposition of the Director-General; at the divisional and council levels by the Director-General on the approval of the Electoral Board.</p> <p><b>Tenure of EMB senior staff:</b></p> <p>None specified</p> <p><b>Provisions for the removal of EMB senior staff:</b></p> <p>The Director-General of Elections shall be vested with all powers necessary for the performance of his or her duties. He shall be the authorising officer of the budget of ELECAM, which budget shall have priority over state expenditure.</p>
<b>Funding arrangements</b>	<p><b>Setting and control of EMB's budget:</b></p> <p>The Director-General of Elections prepares the draft budget. It is examined and adopted by the Electoral Board. The accounts are audited by relevant state services.</p> <p><b>Financial autonomy:</b></p> <p>None specified</p> <p><b>Legal provisions for financial autonomy:</b></p> <p>The Director-General of Elections shall be vested with all powers necessary for the performance of his duties. He shall be the authorising officer of the budget of ELECAM, which budget shall have priority over state expenditure.</p>
<b>Electoral system</b>	<p><b>Number of chambers/houses within the legislature:</b></p> <p>Bicameral – National Assembly (lower house) and Senate (upper house).</p>

	<b>Voting system:</b>	Presidential elections are by simple majority. There is a mixed system for other elections: simple majority, absolute majority, proportional representation.
	<b>Amendments to electoral laws:</b>	Most bills are government bills. Private member bills hardly 'sail through' parliament. The opinion of ELECAM may be given if requested by the 'powers that be'.
	<b>Drafting of electoral regulations:</b>	None specified
<b>Electoral disputes</b>	<b>Electoral dispute resolution mechanisms:</b>	Mixed Electoral Commissions, Electoral Board and Courts of Appeal for pre-electoral disputes; Supreme Court (Constitutional Council) for electoral and post-electoral disputes.
<b>Other issues:</b>		
<b>Secretariat</b>	<b>Administrative autonomy:</b>	Yes
	<b>Women in senior positions:</b>	Forty (approximately 45 per cent)
	<b>Administrative structure:</b>	<p>The Electoral Board (18 members) ensures the smooth functioning of Elections Cameroon and also ensure compliance with the electoral law by all stakeholders for the purpose of guaranteeing regular, impartial, free, fair, transparent and credible polls.</p> <p>The Directorate General of Elections (DGE) is responsible for the preparation and material organization of election and referendum operations, under the supervision of the Electoral Board. The DGE is supported by Support Bodies, as laid down by the Electoral Board on the recommendation of the DGE.</p> <p>The Support Bodies of the Directorate General of Elections function under the authority of the Director General of Elections.</p> <p>Elections Cameroon has branches at regional (10 branches), divisional (58 branches) and council levels (360 branches).</p>

## Canada

<b>Background</b>	<p><b>Name of EMB:</b> The Office of the Chief Electoral Officer of Canada, commonly known as Elections Canada</p> <p><b>Status:</b> Permanent</p>
<b>Establishment of the EMB</b>	<p><b>Number of commissioners:</b> No commissioners; headed by the Chief Electoral Officer of Canada.</p> <p><b>Number of full-time EMB staff:</b> The office through which the Chief Electoral Officer carries out his or her mandate normally comprises a group of some 500 employees working in the National Capital Region (Ottawa/Gatineau). During a general election, more than 285,000 positions are filled by election workers across the country.</p> <p><b>Constitutional and/or legislative provisions for establishment of the EMB:</b> Electoral Rights; the Canadian Charter of Rights and Freedoms (see: <a href="http://laws-lois.justice.gc.ca/eng/const/page-15.html">http://laws-lois.justice.gc.ca/eng/const/page-15.html</a>). Canada Elections Act (see: <a href="http://laws-lois.justice.gc.ca/eng/acts/e-2.01/page-1.html">http://laws-lois.justice.gc.ca/eng/acts/e-2.01/page-1.html</a>). Electoral Boundaries Readjustment Act (see: <a href="http://laws-lois.justice.gc.ca/eng/acts/E-3/index.html">http://laws-lois.justice.gc.ca/eng/acts/E-3/index.html</a>). Federal Elections Fees Tariff (see: <a href="http://www.elections.ca/content.aspx?section=res&amp;dir=loi/fel/trf/trf2016&amp;document=index&amp;lang=e">www.elections.ca/content.aspx?section=res&amp;dir=loi/fel/trf/trf2016&amp;document=index&amp;lang=e</a>). Referendum Act (see: <a href="http://laws.justice.gc.ca/eng/acts/R-4.7/">http://laws.justice.gc.ca/eng/acts/R-4.7/</a>).</p>
<b>EMB's mandate:</b>	<p>Elections Canada's mandate is to:</p> <ul style="list-style-type: none"> <li>• be prepared to conduct a federal general election, by-election or referendum;</li> <li>• administer the political financing provisions of the Canada Elections Act;</li> <li>• monitor compliance with electoral legislation;</li> <li>• conduct public information campaigns on voter registration, voting and becoming a candidate;</li> <li>• conduct education programmes for students on the electoral process;</li> <li>• provide support to the independent commissions in charge of adjusting the boundaries of federal electoral districts following each decennial census;</li> <li>• carry out studies on alternative voting methods; and</li> <li>• with the approval of parliamentarians, test alternative voting processes for future use during electoral events.</li> </ul>
<b>EMB model:</b>	<p>Elections Canada is an independent, non-partisan agency that reports directly to parliament.</p>

	<p><b>What standards are established in the constitution or other legislation for democratic legitimacy?</b></p>	<p>Electoral Rights: the Canadian Charter of Rights and Freedom (Constitution Act, 1982: <a href="http://laws-lois.justice.gc.ca/eng/const/page-15.html">http://laws-lois.justice.gc.ca/eng/const/page-15.html</a>;</p> <ul style="list-style-type: none"> <li>Democratic rights of citizens (Article 3): <i>Every citizen of Canada has the right to vote in an election of members of the House of Commons or of a legislative assembly and to be qualified for membership therein.</i></li> <li>Maximum duration of legislative bodies (Article 4.1): <i>No House of Commons and no legislative assembly shall continue for longer than five years from the date fixed for the return of the writs at a general election of its members.</i></li> <li>Continuation in special circumstances (Article 4.2): <i>In time of real or apprehended war, invasion or insurrection, a House of Commons may be continued by parliament and a legislative assembly may be continued by the legislature beyond five years if such continuation is not opposed by the votes of more than one-third of the members of the House of Commons or the legislative assembly, as the case may be.</i></li> <li>Annual sitting of legislative bodies (Article 5): <i>There shall be a sitting of parliament and of each legislature at least once every twelve months.</i></li> </ul>
<p><b>Appointment, tenure and removals</b></p>	<p><b>Provisions for the appointment of commissioners:</b></p> <p><b>Political status of commissioners:</b></p> <p><b>Chair qualifications:</b></p> <p><b>Commissioner qualifications:</b></p> <p><b>Tenure of chair and commissioners:</b></p> <p><b>Provisions for the removal of commissioners:</b></p> <p><b>Provisions for the appointment of EMB senior staff:</b></p>	<p>The position of chief electoral officer (CEO) was created in 1920 by the Dominion Elections Act. The CEO is appointed for a ten-year non-renewable term by a resolution of the House of Commons. He or she reports directly to parliament and is thus completely independent of the government of the day and all political parties. He or she can be removed from office only for cause, by the Governor-General after a joint request following a majority vote by the House of Commons and Senate.</p> <p>The CEO must not have any political affiliation.</p> <p>None specified</p> <p>None specified</p> <p>The CEO is appointed for a ten-year non-renewable term by a resolution of the House of Commons.</p> <p>The CEO can be removed from office only for cause, by the Governor-General after a joint request following a majority vote by the House of Commons and Senate.</p> <p>The three deputy chief electoral officers, as well as all the executive members, are not appointed. These positions are staffed based on a competitive process following Federal Public Service Policy on recruitment. They are considered public servants with no political affiliation.</p>

	<p><b>Tenure of EMB senior staff:</b>  <b>Provisions for the removal of EMB senior staff:</b></p>	<p>Until they resign from their position or are removed.  They could be removed from office if there is a breach of the Elections Canada Code of Conduct (see: <a href="http://www.elections.ca/content.aspx?section=abo&amp;dir=eth&amp;document=index&amp;lang=e">www.elections.ca/content.aspx?section=abo&amp;dir=eth&amp;document=index&amp;lang=e</a>) or if they do not meet the objectives of their annual performance agreement.</p>
<p><b>Funding arrangements</b></p>	<p><b>Setting and control of EMB's budget:</b></p>	<p>Elections Canada is funded by, and operates under, two separate budget authorities. The first is a statutory authority that draws directly from the Consolidated Revenue Fund. This authority funds all Elections Canada expenditures, other than the salaries for permanent positions, and is not subject to annual parliamentary approval. The statutory authority serves to recognise Elections Canada's independence from the government. It also ensures that Elections Canada has access to the funds required for elections that may occur at any time. The second budget authority is an annual parliamentary appropriation that covers only the salaries for permanent positions. This appropriation can be increased only with Treasury Board approval. Elections Canada participates in the estimates process. This includes submitting Main Estimates, the Report on Plans and Priorities, the Departmental Performance Report and the Quarterly Financial Reports. In addition, the financial statements of the Office of the CEO are subject to annual audits by the Office of the Auditor-General. The agency is also subject to the reporting requirements of the Receiver-General, including those related to the Public Accounts.</p>
	<p><b>Financial autonomy:</b>  <b>Legal provisions for financial autonomy:</b></p>	<p>Refer to the above-mentioned information.  Canada Elections Act (see: <a href="http://laws-lois.justice.gc.ca/eng/acts/e-2.01/page-89.html#h-231">http://laws-lois.justice.gc.ca/eng/acts/e-2.01/page-89.html#h-231</a>). Payments out of Consolidated Revenue Fund (Canada Elections Act) amounts to be paid out of CRF 553. The following shall be paid out of unappropriated moneys forming part of the Consolidated Revenue Fund:</p> <ul style="list-style-type: none"> <li>• any amount payable under Section 15;</li> <li>• the remuneration paid to a person employed under Section 20, any additional remuneration paid to staff referred to in subsection 19(1) for overtime work to enable the chief electoral officer to exercise his or her powers and discharge his or her duties under this Act and any administration expenses that are incurred for that purpose;</li> <li>• any expenses incurred by the chief electoral officer to acquire information referred to in paragraph 46(1)(b);</li> <li>• any fees, costs, allowances or expenses referred to in subsection 542(1) or (4);</li> <li>• any expenses incurred by the chief electoral officer for preparing and printing</li> </ul>

<p><b>Electoral system</b></p>	<p><b>Number of chambers/houses within the legislature:</b> <b>Voting system:</b></p>	<p>Bicameral.</p> <p>Canada's electoral system is referred to as a 'single-member plurality' system (also commonly called a 'first-past-the-post' system). In every electoral district, the candidate with the highest number of votes wins a seat in the House of Commons and represents that electoral district as its Member of Parliament. An absolute majority (more than 50 per cent of the votes in the electoral district) is not required for a candidate to be elected. The Canada Elections Act only governs the election of Members of Parliament to the House of Commons, which has 338 seats. Senators in Canada are appointed by the Governor-General of Canada on the advice of the prime minister.</p>
<p><b>Amendments to electoral laws:</b></p>		<p>The CEO makes recommendations to parliament on legislative changes that he or she considers beneficial through his/her post-election report, usually called CEO's Recommendations for Improving Canada's Electoral Framework. The CEO appears regularly before the committees of the House and Senate responsible for electoral matters, namely the Standing Committee on Procedure and House Affairs in the House of Commons and the Standing Committee on Legal and Constitutional Affairs in the Senate, and any other committee upon request. The CEO also provides technical advice to committees, upon request, on legislation and any other issue the committee is studying.</p>

	<p><b>Drafting of electoral regulations:</b></p>	<p>Section 16.1 of the Canada Elections Act requires Elections Canada to issue guidelines and interpretation notes on the application of the act to registered parties, registered associations, nomination contestants, candidates and leadership contestants. Elections Canada issues guidelines and interpretation notes at its discretion or on application by the chief agent of a registered party. Section 16.2 of the act requires Elections Canada to issue written opinions on the application of any provision of the act to an activity or practice that a registered party, registered association, nomination contestant, candidate or leadership contestant of a registered party proposes to engage in. Elections Canada issues these opinions on application by the chief agent of a registered party. Subsection 17(1) of the Canada Elections Act authorises the chief electoral officer to adapt any provision of the act during the election period or within 30 days after the election. To exercise this authority, the chief electoral officer must be satisfied that the adaptation is necessary due to an emergency, an unusual or unforeseen circumstance, or an error. Adaptations made pursuant to this authority are reported to the Speaker of the House of Commons in accordance with Section 534 of the Canada Elections Act. Section 179 of the Canada Elections Act authorises the chief electoral officer to issue an instruction to adapt a provision of Part 11 of the Act (Special Voting Rules) in respect of a particular circumstance. The instruction is issued where the chief electoral officer considers that it is necessary in order to execute the intent of the provision.</p>
<p><b>Electoral disputes</b></p>	<p><b>Electoral dispute resolution mechanisms:</b></p>	<p><i>Judicial recounts:</i> A judicial recount is a new tabulation of the votes cast for an electoral district, presided over by a judge of a superior court of the province or territory. A judicial recount must take place if the leading candidates in an electoral district receive the same number of votes after the validation of the results, or if they are separated by less than one one-thousandth of the total votes cast. Any elector can also request it, if there is evidence of errors made at the original count. Judicial recounts deal solely with the counting and tabulation of votes.</p>

		<p><i>Contested elections:</i> All concerns respecting the regularity of an election – other than matters that are handled through judicial recounts – are addressed through the contested election process. This includes concerns about fraud or irregularities in the electoral process. After a person is declared elected, any elector who was eligible to vote in a district, or any candidate in that district, may bring an application for a contested election before a judge. In a contested election proceeding, a judge is required to determine whether the person who won the election was eligible to be a candidate or whether there were any other irregularities, fraud, or corrupt or illegal practices that affected the result of the election. The CEO, the Attorney-General, the relevant returning officer, the candidates in the election and the person bringing the application are all parties to a contested election proceeding. At the end of the court proceeding, the judge either dismisses the application or invalidates the result of the election. This decision can be appealed directly to the Supreme Court of Canada.</p> <p><i>Commissioner of Canada Election</i> (see: <a href="https://www.cfc-cc.gc.ca/content/asp?document=home&amp;lang=e">https://www.cfc-cc.gc.ca/content/asp?document=home&amp;lang=e</a>): The Commissioner of Canada Election is the independent officer responsible for ensuring compliance with, and enforcement of, the Canada Elections Act and the Referendum Act.</p>
<p><b>Other issues:</b></p> <p><b>Secretariat</b></p>	<p><b>Administrative autonomy:</b></p> <p><b>Women in senior positions:</b></p> <p><b>Administrative structure:</b></p>	<p>Yes, subject to public service policies.</p> <p>Four (36 per cent) women out of 11 members sit on the Executive Committee of Elections Canada. At the director + level, representation is around 40 per cent (13 positions out of 32).</p> <p>Elections Canada Organisational Chart (see: <a href="http://www.elections.ca/content.aspx?section=abo&amp;dir=org&amp;document=index&amp;lang=e">http://www.elections.ca/content.aspx?section=abo&amp;dir=org&amp;document=index&amp;lang=e</a>).</p>

## Dominica

<b>Background</b>	<b>Name of EMB:</b>	Electoral Office of Dominica
	<b>Status:</b>	Permanent
<b>Establishment of the EMB</b>	<b>Number of commissioners:</b>	Five
	<b>Number of full-time EMB staff:</b>	Four
	<b>Constitutional and/or legislative provisions for establishment of the EMB:</b>	Section 56 (3) of the Constitution of Dominica establishes the Electoral Commission; Section 87 of the Constitution creates the post of Chief Elections Officer; and Section 26 of the Registration of Electors Act Chap. 2:03 establishes the Electoral Office.
	<b>EMB's mandate:</b>	The Electoral Commission and the Electoral Office are responsible for the registration of all qualified electors and conducting of national and local authorities elections in Dominica.
	<b>EMB model:</b>	Mixed
	<b>What standards are established in the constitution or other legislation for democratic legitimacy?</b>	The standards are laid out in the Constitution, Registration of Electors Act and the House of Assembly (Elections) Act.
<b>Appointment, tenure and removals</b>	<b>Provisions for the appointment of commissioners:</b>	Commissioners are appointed by the president on the advice of the Prime Minister and the opposition leader, and the Chair is appointed by the President on his or her own judgement.
	<b>Political status of commissioners:</b>	Commissioners are appointed based on party affiliation.
	<b>Chair qualifications:</b>	The Chair has to have been a lawyer for not less than seven years.
	<b>Commissioner qualifications:</b>	The Commissioner shall not be a member of the House of Assembly or a public officer.
	<b>Tenure of chair and commissioners:</b>	The term of office of the Commission shall be when the House of Assembly first meets after the dissolution of Parliament after appointment, and can be renewed.
	<b>Provisions for the removal of commissioners:</b>	Commissioners can only be removed by the President on the recommendation of a tribunal, appointed by the President, consisting of judges selected by the Chief Justice. Sections (6), (7) and (8) of the Constitution refer.
	<b>Provisions for the appointment of EMB senior staff:</b>	The Chief Elections Officer is appointed by the President on the recommendation of the Electoral Commission. (Section 87 (1) of the Constitution.)

	<b>Tenure of EMB senior staff:</b>	The chief elections officer can serve up to the age prescribed by parliament in accordance with the Constitution.
	<b>Provisions for the removal of EMB senior staff:</b>	The Chief Elections Officer can be removed from office by the President on the recommendations of a tribunal, appointed by the President, consisting of judges selected by the Chief Justice.
<b>Funding arrangements</b>	<b>Setting and control of EMB's budget:</b>	The Chief Elections Officer sets and controls the budget.
	<b>Financial autonomy:</b>	The budget of the Electoral Office is approved by Parliament through the Ministry of Finance, which determines and controls the release of the budget.
	<b>Legal provisions for financial autonomy:</b>	The national budget is the responsibility of the Minister for Finance in accordance with Section 78 (1) of the Constitution.
<b>Electoral system</b>	<b>Number of chambers/houses within the legislature:</b>	Unicameral
	<b>Voting system:</b>	The voting system in Dominica is majoritarian for one chamber.
	<b>Amendments to electoral laws:</b>	All proposed bills, regulations or amendments shall be referred to the Electoral Commission and chief elections officer for comments prior to introductions to the House of Assembly.
	<b>Drafting of electoral regulations:</b>	The Electoral Commission can make recommendations of regulations for submission to the Attorney-General for parliamentary approval.
<b>Electoral disputes</b>	<b>Electoral dispute resolution mechanisms:</b>	All disputes and petitions are presented to the High Court for determination.
<b>Other issues:</b>		
<b>Secretariat</b>	<b>Administrative autonomy:</b>	All staff posts are created and abolished by the Cabinet on the recommendations of the Government Personnel Department; however, the chief elections officer should be consulted for appointments and promotions.
	<b>Women in senior positions:</b>	There is only one senior position in the Electoral Office and this is currently held by a man. From March 1995 to March 2012, the position was held by two women for a single eight-year period each.
	<b>Administrative structure:</b>	The size of the staff of the Electoral Office presently limits it to one department handling all the functions mandated by law. These functions include the registration of electors, managing the elector's lists and conducting all elections in Dominica.

## Fiji Islands

<b>Background</b>	<b>Name of EMB:</b>	Fijian Elections Office
	<b>Status:</b>	Permanent
	<b>Number of commissioners:</b>	Seven
	<b>Number of full-time EMB staff:</b>	46
<b>Establishment of the EMB</b>	<b>Constitutional and/or legislative provisions for establishment of the EMB:</b>	Established under Section 9 of the Electoral Decree, 2014.
	<b>EMB's mandate:</b>	The mandate of the Fijiian Elections Office is to conduct general and other elections in Fiji as prescribed under Section 154 of the Electoral Decree, 2014, for: <ul style="list-style-type: none"> <li>a. the continuous registration of voters and the amendments to the voters roll;</li> <li>b. the registration of political parties;</li> <li>c. voter information and education initiatives;</li> <li>d. overseeing compliance with campaign rules and reporting requirements.</li> </ul>
	<b>EMB model:</b>	Independent
	<b>What standards are established in the constitution or other legislation for democratic legitimacy?</b>	Section 23 (3) of the Constitution, 2013, states that every citizen has the right to free, fair and regular elections, whereby the citizens are given the right to have a say in the decision-making process of the country.
<b>Appointment, tenure and removals</b>	<b>Provisions for the appointment of commissioners:</b>	Under Section 75 (7) of the Constitution, the chairperson and the members of the commission are appointed by the President on the advice of the Constitutional Offices Commission. The Supervisor of Elections acts under the direction of the Electoral Commission and under the terms of the 2013 Constitution (Section 76 (4)), the Supervisor of Elections is appointed by the President on the advice of the Constitutional Office Commission following consultation with the Electoral Commission.

	<b>Political status of commissioners:</b>	Appointments are based on qualifications and experience in the respective fields. A person is not qualified to be a member of the Electoral Commission if he/she is a Member of Parliament, the holder of a public office, a member of a local authority and/or a candidate for election to parliament.
	<b>Chair qualifications:</b>	The Chair is someone who is qualified to be a judge.
	<b>Commissioner qualifications:</b>	None specified
	<b>Tenure of chair and commissioners:</b>	Commissioners are appointed for a term of three years and the Supervisor of Elections is appointed for a term of five years and is renewable.
	<b>Provisions for the removal of commissioners:</b>	The Commissioners and the Supervisor of Elections may be removed from office by the President for inability to perform the function of his or her office (whether arising from infirmity of body or mind or any other cause) or for misbehaviour, or may otherwise be removed by giving one month's notice or one month's remuneration in lieu of notice.
	<b>Provisions for the appointment of EMB senior staff:</b>	Senior staff of the Fijian Elections Office are recruited through a merit-based recruitment system through an application, interview and selection process by the human resources department.
	<b>Tenure of EMB senior staff:</b>	The term of office is normally three years and is renewable for another term.
	<b>Provisions for the removal of EMB senior staff:</b>	Under Section 6(4) of the Electoral Decree, 2014, the Supervisor of Elections has the powers to remove or take disciplinary action against any employee of the Fijian Elections Office, in accordance with the standing orders.
<b>Funding arrangements</b>	<b>Setting and control of EMB's budget:</b>	Under Section 15 of the Electoral Decree, 2014, the Fijian Elections Office is allocated sufficient financial resources from the state budget. The Fijian Elections Office submits to Parliament a multi-year budget for each electoral cycle of four years for planning purposes, and submits to Parliament on an annual basis an estimated budget for the following year. The Fijian Elections Office also receives donor funding during election and non-election years.
	<b>Financial autonomy:</b>	Clearance is required from the Ministry of Finance.
	<b>Legal provisions for financial autonomy:</b>	The Fijian Elections Office complies with the Finance Management Act, 2004.

<b>Electoral system</b>	<b>Number of chambers/houses within the legislature:</b>	Unicameral
	<b>Voting system:</b>	Fifty Members of Parliament: open list system of proportional representation.
	<b>Amendments to electoral laws:</b>	The authority for amendments to electoral laws is vested in the parliament. The Fijian Elections Office can make recommendations through the Minister Responsible for Elections.
	<b>Drafting of electoral regulations:</b>	No, the Minister Responsible for Elections has the authority to draft electoral regulations.
<b>Electoral disputes</b>	<b>Electoral dispute resolution mechanisms:</b>	Section 17 and Section 120 of the Electoral Decree, 2014, provide mechanisms for electoral disputes.
<b>Other issues:</b>		
<b>Secretariat</b>	<b>Administrative autonomy:</b>	Yes
	<b>Women in senior positions:</b>	The Electoral Commission has two commissioners who are women. At the Fijian Elections Office, out of the 15 senior-level staff, eight are women.
	<b>Administrative structure:</b>	The Electoral Commission has the overall responsibility to oversee the conduct of elections. The supervisor of elections is the head of the Fijian Elections Office and is assisted by three directorates: Operations; Corporate Services; and Strategic Development and Communications.

Ghana

<b>Background</b>	<b>Name of EMB:</b>	Electoral Commission (EC), Ghana.
	<b>Status:</b>	Permanent
	<b>Number of commissioners:</b>	Seven: one chairperson; two deputy chairpersons; four other members.
	<b>Number of full-time EMB staff:</b>	1,313
	<b>Constitutional and/or legislative provisions for establishment of the EMB:</b>	Constitution of Ghana, 1992, Article 43 Section 1; the Electoral Commission Act, 1993, Act 451, Section 1.
<b>Establishment of the EMB</b>	<b>EMB's mandate:</b>	<p>Constitution of Ghana, 1992, Article 45; the Electoral Commission Act, 1993, Act 451, Section 2:</p> <ul style="list-style-type: none"> <li>• compile and revise voters register;</li> <li>• demarcate electoral boundaries for national and local government elections;</li> <li>• conduct and supervise all public elections and referenda;</li> <li>• educate the people on the electoral process and its purpose;</li> <li>• undertake programmes for the expansion of the registration of voters;</li> <li>• proper storage of election materials; and</li> <li>• perform such other functions as may be prescribed by law.</li> </ul>
	<b>EMB model:</b>	Independent: Constitution of Ghana, 1992, Article 46; the Electoral Commission Act, 1993, Act 451, Section 3.
	<b>What standards are established in the constitution or other legislation for the democratic legitimacy?</b>	The establishment, functions (mandate) independence, as well as the qualifications, terms and conditions of service of the EMB, are all entrenched in the 1992 Constitution of Ghana: Articles 43, 44, 45 and 46.
	<b>Provisions for the appointment of commissioners:</b>	Appointment is by the President on the advice of the Council of State: Constitution of Ghana, 1992, Article 70 Section 2; the Electoral Commission Act, 1993, Act 451, Section 4 (2).
	<b>Political status of the commissioners:</b>	Based on expertise
<b>Appointment, tenure and removals:</b>	<b>Chair qualifications:</b>	Should be qualified to be elected as a Member of Parliament: the Electoral Commission Act, 1993, Act 451, Section 4 (1); Representation of the People Law 1992, PNDC L 284 Section 9.

	<b>Commissioner qualifications:</b>	Should be qualified to be elected as a Member of Parliament: the Electoral Commission Act, 1993, Act 451, Section 4 (1); Representation of the People Law 1992, PNDC L 284 Section 9.
	<b>Tenure of chair and commissioners:</b>	Permanent term of office: chairperson retires at age 70; deputy chairpersons retire at age 65; other members retire at age 60. Tenure is not renewable.
	<b>Provisions for the removal of commissioners:</b>	<p>a. Any member of the public may petition the president for the removal of commissioners.</p> <p>b. The petition for the removal must be based on stated misbehaviour or incompetence or on grounds of inability to perform their official functions due to infirmity of body or mind.</p> <p>c. The president then refers the petition for the removal to the chief justice who, after establishing that there is a prima facie case, sets up a committee on the advice of the Council of State to investigate the complaint.</p> <p>d. The committee's recommendations are sent to the chief justice who shall forward same to the president.</p> <p>e. The president shall on the advice of the Judicial Council, act on the recommendations of the committee.</p>
	<b>Provisions for the appointment of EMB staff:</b>	By the EMB in consultation with the Public Service Commission: the Electoral Commission Act, 1993, Act 451, Section 8.
	<b>Tenure of EMB senior staff:</b>	At age 60 and tenure is not renewable.
	<b>Provisions for the removal of EMB senior staff:</b>	By the Electoral Commission, through the setting up of a committee of enquiry to investigate the alleged offences of the staff in question and make recommendations to management for appropriate sanctions.
<b>Funding arrangements:</b>	<b>Setting and control of EMB's budget:</b>	The Ministry of Finance: the Electoral Commission Act, 1993, Act 451, Sections 10 and 11.
	<b>Financial autonomy:</b>	The EC has the authority to re-appropriate its allocated budget/funds.
	<b>Legal provisions for the financial autonomy:</b>	There is no legal basis to establish formal financial autonomy of the commission. However, the constitution provides that the expenses of the commission shall be charged on the consolidated fund: the emoluments of the commission and staff, as well as its operational and administrative expenses.

<b>Electoral system:</b>	<b>Number of chambers/houses within the legislature:</b>	Unicameral.
	<b>Voting system:</b>	FPTP (for parliamentary and local government elections): 50 per cent plus 1 of total valid votes for presidential elections.
	<b>Amendments to electoral laws:</b>	The EMB proposes amendments to electoral law; these go to parliament in the form of a bill for approval.
	<b>Drafting of electoral regulations:</b>	Yes; but this requires parliamentary approval.
	<b>Electoral disputes resolution mechanisms:</b>	<p>a. The EMB constitutes District Registration Review Committees (DRRCs) in each district to adjudicate all voter registration challenge cases.</p> <p><i>The composition of the DRRCs:</i></p> <ul style="list-style-type: none"> <li>• representation of all political parties active in the district;</li> <li>• a representative of the traditional authority in the district;</li> <li>• the head of the Ghana police service in the district; and</li> <li>• the head of the Ghana education service in the district.</li> </ul> <p>b. The EMB also appoints revising officers (senior judicial officers – judges) in each district to handle objection cases recorded during the exhibition of the voters register.</p> <p>c. The traditional court system is also resorted to in resolving disputes.</p>
<b>Other issues</b>		
<b>Secretariat:</b>	<b>Administrative autonomy:</b>	Yes
	<b>Women in senior positions:</b>	The Chair, one of two Deputy Chairs, and three of four Commissioners are women.
	<b>Administrative structure:</b>	<p>a. At the apex of the administrative structure is the commission (board members);</p> <p>b. chairperson;</p> <p>c. two deputy chairpersons (for co-operation services and operations);</p> <p>d. seven departments: Electoral Services; Finance; Human Resources and General Services; Information Communication Technology; Administration and Co-ordination; Research, Monitoring and Evaluation; Registration and Regulation;</p> <p>e. ten regional offices;</p> <p>f. 231 district offices.</p>

## Grenada

<b>Background</b>	<b>Name of EMB:</b>	Parliamentary Elections Office Grenada
	<b>Status:</b>	Permanent
<b>Establishment of the EMB</b>	<b>Number of commissioners:</b>	One
	<b>Number of full-time EMB staff:</b>	Forty-six, permanently employed
	<b>Constitutional and/or legislative provisions for establishment of the EMB:</b>	The Grenada Constitution Order, 1973; and the Representation of the People Act of 1993, 2006, 2008, 2011.
	<b>EMB's mandate:</b>	<i>Philosophy:</i> The Parliamentary Elections Office is guided by the philosophy that all citizens must be served with dignity, honesty and respect for their right to information pertaining to the electoral process. It is therefore imperative that the office does everything within its power, and in accordance with the Constitution of Grenada and the Representation of the People Act, to allow all persons to participate in the electoral process without hindrance or fear of discrimination. The office is committed to the advancement of democracy for all citizens. <i>Mission:</i> To continuously register all eligible persons to vote, produce voters' identification cards, publish the list of electors and conduct elections in accordance with legislation. <i>Vision:</i> The Parliamentary Elections Office envisions a transparent and impartial electoral process in accordance with the Constitution Order of Grenada and the Representation of the People Act.
	<b>EMB model:</b>	Independent
<b>What standards are established in the constitution or other legislation for democratic legitimacy?</b>	The standards are established in the Grenada Constitution Order, 1973, and the Representation of the People Act of 1993, 2006, 2008, 2011.	

<p><b>Appointment, tenure and removals</b></p>	<p><b>Provisions for the appointment of commissioners:</b></p>	<p>There are no commissioners. The Parliamentary Elections Office, as an independent office, is under the supervision of the Governor-General of the State of Grenada, who appoints a supervisor of elections, an assistant supervisor of elections, registration officers and assistant registration officers, in his/her own deliberate judgement.</p>
	<p><b>Political status of commissioners:</b></p>	<p>None specified</p>
	<p><b>Chair qualifications:</b></p>	<p>The Supervisor of Elections must be a current public servant.</p>
	<p><b>Commissioner qualifications:</b></p>	<p>None specified</p>
	<p><b>Tenure of chair and commissioners:</b></p>	<p>There are no commissioners. However, the tenure of the Supervisor of Elections can be terminated in the deliberate judgement of the Governor-General.</p>
	<p><b>Provisions for the removal of commissioners:</b></p>	<p>None specified</p>
	<p><b>Provisions for the appointment of EMB senior staff:</b></p>	<p>The Governor-General of the State of Grenada and the Public Service Commission of Grenada.</p>
	<p><b>Tenure of EMB senior staff:</b></p>	<p>The tenure of EMB staff is in the deliberate judgement of the Governor-General and the Public Service Commission.</p>
	<p><b>Provisions for the removal of EMB senior staff:</b></p>	<p>The removal of EMB staff is in the deliberate judgement of the Governor-General and the Public Service Commission.</p>
<p><b>Funding arrangements</b></p>	<p><b>Setting and control of EMB's budget:</b></p>	<p>The Ministry of Finance is responsible for setting and controlling the EMB's budget.</p>
	<p><b>Financial autonomy:</b></p>	<p>No</p>
	<p><b>Legal provisions for financial autonomy:</b></p>	<p>None specified</p>
<p><b>Electoral system</b></p>	<p><b>Number of chambers/houses within the legislature:</b></p>	<p>Unicameral</p>
	<p><b>Voting system:</b></p>	<p>Majoritarian (first-past-the-post).</p>
	<p><b>Amendments to electoral laws:</b></p>	<p>Submissions can be made by anyone to the Ministry of Legal Affairs.</p>
	<p><b>Drafting of electoral regulations:</b></p>	<p>No</p>
<p><b>Electoral disputes</b></p>	<p><b>Electoral dispute resolution mechanisms:</b></p>	<p>Disputes are submitted to the Supervisor of Elections who would try to resolve. If this cannot be done, the dispute is referred to the Ministry of Legal Affairs.</p>

<b>Other issues:</b>	
<b>Secretariat</b>	Recommendations can be made to the Governor-General and the Public Service Commission.
<b>Administrative autonomy:</b>	Two (50 per cent) women in senior positions.
<b>Women in senior positions:</b>	<ul style="list-style-type: none"> <li>• supervisor of elections</li> <li>• assistant supervisor of elections</li> <li>• senior administrative officer</li> <li>• administrative officer</li> <li>• systems administrator</li> <li>• civic and voter registration officer</li> <li>• registration officers</li> <li>• assistant registration officers</li> <li>• information technology officer</li> </ul>
<b>Administrative structure:</b>	

Guyana

<b>Background</b>	<b>Name of EMB:</b>	Guyana Elections Commission (GECOM)
	<b>Status:</b>	Permanent
	<b>Number of commissioners:</b>	Seven
	<b>Number of full-time EMB staff:</b>	383
	<b>Constitutional and/or legislative provisions for establishment of the EMB:</b>	The present GECOM was established in May 2000 by virtue of the Constitution (Amendment) Act No. 2 of 2000, which repealed and re-enacted Article 161 of the constitution on the basis of recommendations emerging from the Constitution Reform Commission that were ratified by parliament. The re-enacted Article 161 restates the same mechanism for the appointment of the commission as provided for since the 1992 general election, but the commission is now established as permanent. There is as yet no provision for a time limit or the period that commissioners are to serve. All of the powers that were previously exercised by or on behalf of the minister responsible for the preparation for and administration of elections are now vested in the commission. See Section 10 of the Election Laws (Amendment) Act No. 15 of 2000. The relevant laws governing the establishment and work of the commission are accessible on the commission's website at: <a href="http://www.gecom.org.gy">www.gecom.org.gy</a> .
<b>EMB's mandate:</b>	<i>Responsibility of the chair:</i> All directions and instructions shall be issued orally or in writing through the chairperson, while all instruments and communications emanating from the commission shall be issued or made under the signature of the chairman or any person authorised by him or her in writing. All communications to the commission shall be to the chairman [Elections Laws (Amendment ) Act No. 15 of 2000].	
<b>Establishment of the EMB</b>		

Role of GECOM: GECOM sets policy for voter registration, maintenance of the voters' list and the administration of all national, regional and local government elections within the legislative framework, while the Permanent Elections Secretariat implements the policy under the supervision of the chief election officer (CEO). The Secretariat also performs the tasks of the National Registration Centre under the National Registration Act, Chapter 19:08, and the CEO acts as the National Commissioner for Registration. The National Registration Centre has responsibility for the registration of electors and maintenance of the registers, whereas the Secretariat has responsibility for administering elections. GECOM is constitutionally obliged to act with impartiality and fairness in the execution of its duties [162 (1) [b], Constitution (Amendment) Act].

*The commission's Secretariat and election machinery:* Article 161A of the constitution, as inserted by the Constitution (Amendment) Act, No.2 of 2000, states that the commission is responsible for the efficient functioning of the Secretariat and the appointment of both permanent and temporary staff of the commission. GECOM determines the terms and conditions of their employment, including the power to discipline and dismiss. The staff are therefore not classified as public servants. Both Section 2 of the Elections Laws (Amendment) Act No. 9 of 2000 and Section 17 of the Elections Laws (Amendment) Act No. 15 of 2000 provide for that this Secretariat be a permanent one to 'ensure institutional memory and capacity'. Because the preparation of the list of electors is based on the registration of persons, GECOM also has the responsibility of registering persons who have attained the age of 14 and issuing them with national identification cards. The National Registration Act (Cap 19:08) provides for the establishment of a National Register, for the issue of identification cards and other related matters, which include the method of revision of the List of Electors.

**EMB model:**  
 GECOM is insulated from executive interference in the performance of its functions. By virtue of Article 226 of the constitution, GECOM, like other constitutional commissions, shall not be subject to the direction and control of any other person or authority. Schedules for the conduct of general, regional and local government elections are decided upon by the commission once a date for the election is announced by the president. Also, it is the commission that decides on the location of polling stations and counting centres, assignment of voters to polling stations, arrangements to be made in and around polling stations and counting centres and all related matters.

	<p><b>What standards are established in the constitution or other legislation for democratic legitimacy?</b></p>	<p>See above.</p>
<p><b>Appointment, tenure and removals</b></p>	<p><b>Provisions for the appointment of commissioners:</b></p>	<p><i>Appointment of the chair:</i> The chair shall be a person who holds, has held or is qualified to hold the office of judge of the High Court or the Court of Appeal or any other fit and proper person who is appointed from a list of six persons, who are not unacceptable to the president, submitted by the leader of the opposition after he has meaningfully consulted with the non-governmental political parties represented in the National Assembly. If the leader of the opposition does not submit such a list of persons, then the president shall appoint a person who holds, has held or is qualified to hold the office of judge of the High Court or the Court of Appeal. The current chairman of the commission was chosen by the president from a list of six persons submitted by the leader of the opposition [see Constitution (Amendment) Act No. 2 of 2000].</p>
	<p><b>Political status of commissioners:</b></p>	<p><i>Appointment of the commissioners:</i> In addition to the chair, the Constitution (Amendment) Act No. 2 of 2000 also provides for the appointment of six members of the commission in the following manner: (a) three members appointed by the president, acting in his/her own deliberate judgement; (b) three members appointed by the president acting on the advice of the leader of the opposition after he has meaningfully consulted the non-governmental opposition parties represented in the National Assembly.</p>
	<p><b>Chair qualifications:</b></p>	<p>The chair of the Elections Commission shall be a person who holds or who has held office as a judge of a court having unlimited jurisdiction in civil and criminal matters in some part of the Commonwealth, or a court having jurisdiction in appeals from any such court or who is qualified to be appointed as any such judge, or any other fit and proper person, to be appointed by the president from a list of six persons, not unacceptable to the president, submitted by the leader of the opposition after meaningful consultation with the non-governmental political parties represented in the National Assembly. Provided that if the leader of the opposition fails to submit a list as provided for, the President shall appoint a person who holds or has held office as a judge of a court having unlimited jurisdiction in civil and criminal matters in some part of the Commonwealth or a court having jurisdiction in appeals from any such court or who is qualified to be appointed as any such judge. Under the existing provisions, a non-Guyanese cannot be appointed as chairperson or member of the commission.</p>

	<p>Commissioner qualifications:</p> <p>Tenure of chair and commissioners:</p> <p>Provisions for the removal of commissioners:</p> <p>Provisions for the appointment of EMB senior staff:</p> <p>Tenure of EMB senior staff:</p> <p>Provisions for the removal of EMB senior staff:</p>	<p>See above.</p> <p>There is as yet no provision for a time limit or the period that the chair and commissioners are to serve.</p> <p>The chair or any other member of the Elections Commission shall vacate his or her office if any circumstances arise that, if he were not a member of the commission, would cause him/her to be disqualified for appointment as such. The provisions of Article 255 (which relate to removal from office) shall apply to the office of the chair or other members of the Elections Commission. If, by reason of his or her illness, absence from Guyana, or suspension under Article 255 of the constitution, the chair or any other member of the Elections Commission is unable to perform his/her functions as such, a temporary chair or other member, as the case may be, may be appointed in his/her place.</p> <p>Refer to EMB mandate.</p> <p>Whereas the junior staff of the Secretariat are permanent in nature, senior managers are employed on a contractual basis – usually for three-year periods.</p> <p>The commission determines the continuation of employment of senior managers based on the submission of performance appraisals and recommendations of the chief election officer. In the case of the chief election officer, the commission is sole arbiter in determining continued employment.</p> <p>The commission sets and controls its own budget in accordance with specific fiscal laws and under the guidance of the Ministry of Finance.</p> <p>The EMB has financial autonomy, with the authority for re-appropriation of allocated funds.</p> <p>Constitutional (Amendment) Act No. 3 of 2015, which amended the Third Schedule of Article 222 (A) of the constitution.</p> <p>Unicameral</p>
<b>Funding arrangements</b>	<p>Setting and control of EMB's budget:</p> <p>Financial autonomy:</p> <p>Legal provisions for financial autonomy:</p>	
<b>Electoral system</b>	<p>Number of chambers/houses within the legislature:</p>	

<p><b>Voting system:</b></p>	<p>Electoral system elections are conducted according to the constitutional provisions, which are supplemented by the laws made by parliament. The major laws among those are the Representation of the People Act (1964), which deals with all aspects of the conduct of elections, and the National Registration Act (1967), which deals mainly with the preparation and revision of electoral rolls. The current electoral system is the product of cross-party agreement on constitutional reform, as catered for by the Herdmanston Accord. This witnessed the relevant parties agreeing to a reformed system, which includes an element of geographic and gender representation. Previously, only 53 of the 65 members of the National Assembly were elected directly, while the remaining 12 were indirectly elected.</p> <p>Under the current system, which was adopted after the amending of the constitution and the Representation of the People Act (Constitution [Amendment] Act No. 3 of 2000 and Election Laws [Amendment] Act No. 15, 2000) in November 2000, all members of the National Assembly are to be directly elected: 25 to be elected from the ten geographic constituencies and the remaining 40 elected from a national 'top-up' list to guarantee a very high degree of proportionality. Any party contesting seats for the National Assembly must validly nominate candidates in six of the geographic constituencies or for 13 of the 25 constituency seats. Furthermore, a third of the candidates validly nominated must be women. On 13 February 2001, conscious of the need to ensure the constitutional requirement for proportionality, the National Assembly further amended the Representation of the People Act, Constitution (Amendment) Act No. 1, 2001, and Representation of the People (Amendment) Act, 2001, to allow the National Assembly to have at least 65 members and allow GECOM to allocate 'overhang seats', if required. Overhang seats would be required if a party wins a disproportional number of constituency seats, thereby giving it an advantage over other parties. Under these circumstances, GECOM would award overhang seats to the national 'top up' to ensure that the advantage is removed.</p>
<p><b>Amendments to electoral laws:</b></p>	<p>The commission can propose amendments to the electoral laws. However, any such proposal can only be laid in the National Assembly by a Member of Parliament.</p>
<p><b>Drafting of electoral regulations:</b></p>	<p>The chief parliamentary counsel in the Ministry of Legal Affairs is responsible for the drafting of electoral laws/regulations based on recommendations made by the commission.</p>

<p><b>Electoral disputes</b></p>	<p><b>Electoral dispute resolution mechanisms:</b></p>	<p>Electoral dispute resolution is addressed under the National Assembly (Validity of Elections) Act, Cap. 1:04.</p>
<p><b>Other issues:</b></p>		
<p><b>Secretariat</b></p>	<p><b>Administrative autonomy:</b> <b>Women in senior positions:</b> <b>Administrative structure:</b></p>	<p>Yes Six women (50 per cent)</p>
		<ul style="list-style-type: none"> <li>• Office of the chairman</li> <li>• Office of the chief election officer/head of the commission's Secretariat</li> <li>• Operations Department comprising information technology, voter registration, logistics, civic and voter education and field operations</li> <li>• Administration and support services</li> <li>• Human Resources Department</li> <li>• Legal Unit</li> <li>• Accounts Department</li> <li>• Public Relations Unit</li> <li>• Internal Audit Security</li> </ul>

India

<b>Background</b>	<b>Name of EMB:</b>	Election Commission of India
	<b>Status:</b>	Constitutional
	<b>Number of commissioners:</b>	Three: one Chief Election Commissioner and two other Commissioners.
	<b>Number of full-time EMB staff:</b>	415 staff, permanently employed.
	<b>Constitutional and/or legislative provisions for establishment of the EMB:</b>	The Election Commission of India is constituted under Article 324 of the Constitution of India.
<b>Establishment of the EMB</b>	<b>EMB's mandate:</b>	Superintendence, direction and control of the preparation of the electoral rolls for, and conduct of, all elections to parliament and to the Legislative Assembly of every state, and elections to the office of president and vice president of India.
	<b>EMB model:</b>	Constitutional and independent.
	<b>Provisions for the appointment of commissioners and senior staff:</b>	The President of India appoints chief election commissioner and election commissioners.
	<b>Political status:</b>	None specified
	<b>Chair/commissioner qualifications:</b>	Usually the chief election commissioner/ election commissioners are retired bureaucrats from the Indian Civil Service, mostly from the Indian Administrative Service.
<b>Appointment, tenure and removals</b>	<b>Tenure of commissioners and senior staff:</b>	Six years or aged up to 65 years, whichever is earlier.
	<b>Provisions for the removal of commissioners and senior staff:</b>	The Chief Election Commissioner can be removed from office only through impeachment by Parliament.

<p><b>Funding arrangements</b></p>	<p><b>Setting and control of EMB's budget:</b></p>	<p>The budget of the Election Commission of India is provided by the Ministry of Finance, Government of India under a separate Grant/Demand No. The budget is controlled and operated as per the Govt. of India's instructions/guidelines, as mentioned in Delegation of Financial Power Rules, 1978, and General Financial Rules, as amended from time to time. The commission has its own internal financial advisor, who in terms of the financial rules is accountable for incurring expenditure from the budget.</p>
<p><b>Financial autonomy:</b></p>	<p><b>Legal provisions for financial autonomy:</b></p>	<p>The Commission has its own separate budget/Demand No., for which funds are provided by the Ministry of Finance. The Commission does not generate revenue for its own budget.</p> <p>As mentioned under 'Setting and control of EMB's budget'. In addition, the commission, in agreement with the Ministry of Finance and Ministry of Law and Justice, has its own financial procedures providing that they are not repugnant to the accounting rules, codes and manuals issued by the President of India on the advice of the C&amp;AG under Article 150 of the Constitution of India and the statutory rules issued by the Ministry of Finance under Article 283 of the Constitution of India.</p>
<p><b>Electoral system</b></p>	<p><b>Number of chambers/houses with the legislature:</b></p> <p><b>Voting system:</b></p> <p><b>Amendments to electoral laws:</b></p> <p><b>Drafting of electoral regulations:</b></p>	<p>Bicameral at the national (federal) level – House of the People and Council of States. In each of the states, there is a Legislative Assembly. In seven of the 29 states, there is also an upper house called the Legislative Council.</p> <p>FPTP for the House of the People and for the Legislative Assemblies</p> <p>Proportional representation by means of single transferable vote for election to the Councils of States and Legislative Councils.</p> <p>Electoral Laws can be amended by Parliament only. There are Rules framed under the Acts: the Rules prescribe the procedure for carrying out the mandate of the Act. The Rules can be amended by the Ministry of Law and Justice.</p> <p>The Election Commission of India cannot amend the Law or the Rules. The Election Commission of India recommends amendments for consideration by government for placing the proposal before parliament. Election Commission of India issues executive instructions on different election management matters.</p>

<p><b>Electoral disputes</b></p>	<p><b>Electoral dispute resolution mechanisms:</b></p>	<p>Prior to declaration of the result of an election, disputes and complaints can be raised before the Election Commission of India. Once the result is declared, challenge against the election can be only raised before the High Court of the state concerned. Decision of the High Court is appealed before the Supreme Court. There is a constitutional provision prohibiting courts from entertaining petitions challenging any election matter when the election process is still going on.</p>
<p><b>Other issues:</b></p>		
<p><b>Secretariat</b></p>	<p><b>Administrative autonomy:</b></p>	<p>The Election Commission of India has the power to create posts up to the level of Joint Secretary in the Govt. of India.</p>
<p><b>Women in senior positions:</b></p>	<p><b>Structure:</b></p>	<p>None specified</p> <p>The Election Commission of India consists of the Chief Election Commissioner and two other election commissioners. They are supported by deputy election commissioners, director generals, senior principal secretaries, directors, principal secretaries, secretaries and other Secretariat officers and staff in the day-to-day functioning of the Election Commission of India.</p> <p>At the state level, there are chief electoral officers in state and Union Territories. At the district level, district election officers, electoral registration officers and other election-related officers work under the supervision of the Election Commission of India.</p>

## Jamaica

<b>Background</b>	<b>Name of EMB:</b>	Electoral Commission of Jamaica (ECJ)
	<b>Status:</b>	Permanent
<b>Establishment of the EMB</b>	<b>Number of commissioners:</b>	Nine
	<b>Number of full-time EMB staff:</b>	330 staff; permanently employed.
	<b>Constitutional and/or legislative provisions for establishment of the EMB:</b>	The ECJ was established under The Electoral Commission (Interim) Act 2006. The Commission replaced the Electoral Advisory Committee (EAC) that had been established in 1979. Its substantive law is codified in the Representation of the People Act and the accompanying regulations.
	<b>EMB's mandate:</b>	<p>The ECJ's responsibility is to protect the electoral process from the immediate direction, influence and control of the government, which may influence its functioning to the detriment of persons with opposing views who may wish to participate in the process. Its mission is to conduct national elections so that no advantage is given to any party or individual contesting the polls, ensuring that the objective of 'one man one vote' is met under the six stated principles of universal adult suffrage. In addition to conducting general elections, by-elections, local government elections or referenda, the commission is responsible for compiling and maintaining the register of eligible electors; verifying the identity of every eligible elector; approving political parties eligible to receive state funding; and administering electoral funding and financial disclosure requirements. The commission also manages the following:</p> <ul style="list-style-type: none"> <li>• determining polling division and constituency boundaries;</li> <li>• using geographic information system (GIS) to record and define boundaries;</li> <li>• continuous registration of electors and residence verification of applicants;</li> <li>• printing and issuing voter ID cards;</li> <li>• conducting external elections for schools, universities, associations and organisations</li> <li>• recruiting and training election day workers;</li> <li>• producing and printing electoral maps for planning and general information;</li> <li>• voter education.</li> </ul>
	<b>EMB model:</b>	Independent

	<p><b>What standards are established in the constitution or other legislation for democratic legitimacy?</b></p>	<p>None specified</p>
<p><b>Appointment, tenure and removals</b></p>	<p><b>Provisions for the appointment of commissioners:</b></p>	<p>With respect to commissioners, the commission consists of nine members appointed by the Governor-General in writing, as follows:</p> <ul style="list-style-type: none"> <li>a. four nominated commissioners – two members appointed on the advice of the prime minister and two members on the advice of the leader of the opposition;</li> <li>b. four selected commissioners are appointed by the Governor-General, after consultation with the prime minister and the leader of the opposition</li> <li>c. the director of elections is appointed on the recommendation of the eight commissioners appointed;</li> <li>d. the selected commissioners elect one of their number to be chair of the commission and so inform the Governor-General.</li> </ul> <p>With respect to senior staff, the commission recruits competitively.</p> <p>Mixed. The four nominated commissioners are representatives from the two major political parties.</p>
	<p><b>Political status of commissioners:</b></p>	
	<p><b>Chair qualifications:</b></p>	<p>The chair is elected from one of the four 'selected commissioners' and therefore satisfies qualifications as set out in the Electoral Commission Interim Act.</p>
	<p><b>Commissioner qualifications:</b></p>	<p>Same as above.</p>
	<p><b>Tenure of chair and commissioners:</b></p>	<p>Selected commissioners are appointed for a period of seven years and nominated commissioners for a period of four years.</p>
	<p><b>Provisions for the removal of commissioners:</b></p>	<p>The office of a member of the commission shall become vacant:</p> <ul style="list-style-type: none"> <li>a. if he or she resigns;</li> <li>b. in the case of a selected commissioner, if his or her appointment is revoked by a resolution passed by the majority of all the members of the commission having a right to vote or a resolution of each house of parliament approved by not less than two-thirds of all the members of that house;</li> <li>c. if any circumstances arise that, if he/she were not a member, would cause him/her to be disqualified for appointment; and</li> <li>d. in the case of the director, if he/she is removed from office by a vote supported by not less than six commissioners, including at least three selected commissioners.</li> </ul>

	<b>Provisions for the appointment of EMB senior staff:</b>	With respect to senior staff, the commission recruits competitively.
	<b>Tenure of EMB senior staff:</b>	None specified
	<b>Provisions for the removal of EMB senior staff:</b>	Provisions for removal of staff are set out in the staff orders for the public service.
<b>Funding arrangements</b>	<b>Setting and control of EMB's budget:</b>	Funding for the commission is administered by the Ministry of Finance and Planning.
	<b>Financial autonomy:</b>	Expenditure for the commission is guided by an approved budget.
	<b>Legal provisions for financial autonomy:</b>	None specified
<b>Electoral system</b>	<b>Number of chambers/houses within the legislature:</b>	Bicameral
	<b>Voting system:</b>	First-past-the-post
	<b>Amendments to electoral laws:</b>	While the commission makes recommendations for amendments to the law and drafts regulations, legislative authority is vested in the parliament.
<b>Electoral disputes</b>	<b>Drafting of electoral regulations:</b>	Yes and recommends to parliament for adoption.
	<b>Electoral dispute resolution mechanisms:</b>	Any matter not covered in the electoral laws is resolved in the courts.
<b>Other issues:</b>		
<b>Secretariat</b>	<b>Administrative autonomy:</b>	Yes, subject to the approval of the Ministry of Finance.
	<b>Women in senior positions:</b>	At the commission level, the sole female is the chairperson of the commission, while at the senior management level, five of nine members are women.
	<b>Administrative structure:</b>	The commissioners are the policy organ of the commission. The director of elections manages the operations of the Electoral Office of Jamaica (the operational arm of the commission) and reports to the commission. The electoral office is divided into three main departments: <ul style="list-style-type: none"> <li>• administration;</li> <li>• field operations; and</li> <li>• information systems.</li> </ul>

Kenya

<b>Background</b>	<b>Name of EMB:</b>	Independent Electoral and Boundaries Commission (IEBC), Kenya
	<b>Status:</b>	Permanent
<b>Establishment of the EMB</b>	<b>Number of commissioners:</b>	Eight commissioners and the chairperson.
	<b>Number of full-time EMB staff:</b>	926 staff, permanently employed.
	<b>Constitutional and/or legislative provisions for establishment of the EMB:</b>	The EMB is established under Article 88 of the Constitution of Kenya; its structures are set up under the Independent Electoral and Boundaries Commission Act, 2011. Its substantive law is codified in the Elections Act and the accompanying regulations and the Campaign Financing Act.
	<b>EMB's mandate:</b>	<p>Responsible for conducting or supervising referenda and elections to any elective body or office established by the constitution, and any other elections as prescribed by an act of parliament, and in particular for:</p> <ul style="list-style-type: none"> <li>a. the continuous registration of citizens as voters;</li> <li>b. the regular revision of the voters' roll;</li> <li>c. the delimitation of constituencies and wards;</li> <li>d. the regulation of the process by which parties nominate candidates for elections;</li> <li>e. the settlement of electoral disputes, including disputes relating to or arising from nominations, but excluding petitions and disputes subsequent to the declaration of election results;</li> <li>f. the registration of candidates for elections;</li> <li>g. voter education;</li> <li>h. the facilitation of the observation, monitoring and evaluation of elections;</li> <li>i. the regulation of the amount of money that may be spent by or on behalf of a candidate or party in respect of any election;</li> <li>j. the development of a code of conduct for candidates and parties contesting elections; and</li> <li>k. the monitoring of compliance with the legislation required by the constitution relating to nomination of candidates by parties.</li> </ul>
	<b>EMB model:</b>	Independent

<b>Appointment, tenure and removals</b>	<p><b>Provisions for the appointment of commissioners and senior staff:</b></p> <p>With respect to commissioners, a selection panel is established which receives applications, interviews applicants and recommends to parliament for approval; thereafter the president appoints.</p> <p>With respect to senior staff, the commission recruits competitively.</p> <p><b>Political status:</b></p> <p>Appointments are based on expertise, with consideration for regional/ethnic and gender balancing.</p> <p><b>Chair/commissioner qualifications:</b></p> <p>The chairperson must be qualified to hold office as a Supreme Court judge, i.e. must be a judge, lawyer or academic in the legal field of not less than 15 years standing.</p> <p><b>Tenure of commissioners and senior staff:</b></p> <p>Commissioners are appointed for a six-year non-renewable term.</p> <p><b>Provisions for the removal of commissioners and senior staff:</b></p> <p>Commissioners can only be removed by the president on a recommendation by a tribunal established for the purpose, and only on five grounds: serious violation of the constitution, gross misconduct, physical or mental incapacity, incompetence or bankruptcy.</p> <p>Senior staff are subject to the commission's disciplinary process set out under the IEBC Act.</p>	<p>With respect to commissioners, a selection panel is established which receives applications, interviews applicants and recommends to parliament for approval; thereafter the president appoints.</p> <p>With respect to senior staff, the commission recruits competitively.</p> <p>Appointments are based on expertise, with consideration for regional/ethnic and gender balancing.</p> <p>The chairperson must be qualified to hold office as a Supreme Court judge, i.e. must be a judge, lawyer or academic in the legal field of not less than 15 years standing.</p> <p>Commissioners are appointed for a six-year non-renewable term.</p> <p>Commissioners can only be removed by the president on a recommendation by a tribunal established for the purpose, and only on five grounds: serious violation of the constitution, gross misconduct, physical or mental incapacity, incompetence or bankruptcy.</p> <p>Senior staff are subject to the commission's disciplinary process set out under the IEBC Act.</p>
<b>Funding arrangements</b>	<p><b>Setting and control of EMB's budget:</b></p> <p>The IEBC Act sets up the Commission Fund, into which funds obtained from the national treasury are paid along with those obtained from donors and other financiers.</p> <p><b>Financial autonomy:</b></p> <p>No, clearance from the Treasury would be required under the Public Finance Management Act.</p>	<p>The IEBC Act sets up the Commission Fund, into which funds obtained from the national treasury are paid along with those obtained from donors and other financiers.</p> <p>No, clearance from the Treasury would be required under the Public Finance Management Act.</p>
<b>Electoral system</b>	<p><b>Legal provisions for financial autonomy:</b></p> <p>Though the IEBC Act was crafted with the intention of granting financial independence to the commission, the subsequent enactment of the Public Finance Management Act has somewhat eroded the commission's financial independence.</p> <p><b>Number of chambers/houses within the legislature:</b></p> <p>Bicameral: Senate and National Assembly. There are also legislative assemblies for each of the 47 devolved units.</p> <p><b>Voting system:</b></p> <p>Mixed member proportional representation. FPTP and party list for special interest groups and gender top-ups in the county assemblies.</p> <p><b>Amendments to electoral laws:</b></p> <p>The legislative authority is wholly vested in parliament, with the limited exception that the commission can make regulations which still have to be adopted by parliament. The commission participates in law making just like any other body.</p> <p><b>Drafting of electoral regulations:</b></p> <p>The EMB does have the authority to draft and adopt electoral regulations, and to forward them to parliament for adoption.</p>	<p>Though the IEBC Act was crafted with the intention of granting financial independence to the commission, the subsequent enactment of the Public Finance Management Act has somewhat eroded the commission's financial independence.</p> <p>Bicameral: Senate and National Assembly. There are also legislative assemblies for each of the 47 devolved units.</p> <p>Mixed member proportional representation. FPTP and party list for special interest groups and gender top-ups in the county assemblies.</p> <p>The legislative authority is wholly vested in parliament, with the limited exception that the commission can make regulations which still have to be adopted by parliament. The commission participates in law making just like any other body.</p> <p>The EMB does have the authority to draft and adopt electoral regulations, and to forward them to parliament for adoption.</p>

<p><b>Electoral disputes</b></p>	<p><b>Electoral dispute resolution mechanisms:</b></p>	<p>Disputes are settled at two stages: pre-poll disputes are determined by the commission and the courts, while post-poll disputes are the exclusive mandate of the judiciary.</p>
<p><b>Other issues:</b></p>		
<p><b>Secretariat</b></p>	<p><b>Administrative autonomy:</b></p>	<p>The EMB does have the power to create, promote or abolish staff posts.</p>
	<p><b>Women in senior positions:</b></p>	<p>At the commission level, three out of the nine commissioners are women, while at the Secretariat level, out of the 11 senior staff, five are women.</p>
	<p><b>Structure:</b></p>	<p>The commissioners are the policy organ of the commission, while the Secretariat is headed by the CEO (who is also the commission secretary), who is assisted by two deputies – one in charge of operations and the other in charge of support services. There are eight directorates:</p> <ol style="list-style-type: none"> <li>1. Voter Registration and Electoral Operations</li> <li>2. Legal and Public Affairs</li> <li>3. Voter Education and Partnerships</li> <li>4. Research and Development</li> <li>5. Risk and Compliance</li> <li>6. Human Resource and Administration</li> <li>7. Finance and Procurement</li> <li>8. Information Communication and Technology</li> </ol> <p>For ease of operations, the commission has clustered the 290 constituencies into 17 regions – each headed by a regional elections co-ordinator. Each constituency is headed by a constituency elections co-ordinator.</p>

## Kiribati

<b>Background</b>	<b>Name of EMB:</b>	Electoral Commission Kiribati
	<b>Status:</b>	Non-permanent
<b>Establishment of the EMB</b>	<b>Number of commissioners:</b>	Four Commissioners and the Chair.
	<b>Number of full-time EMB staff:</b>	One (Chief Electoral Officer). Electoral commissioners and others, such as electoral officers and polling staff, are involved during election periods.
	<b>Constitutional and/or legislative provisions for establishment of the EMB:</b>	The Electoral Commission is established under Sections 62 and 99 of the Constitution of Kiribati.
	<b>EMB's mandate:</b>	<p>The responsibilities of electoral commissioners are spelled out in the Constitution of Kiribati and the Election Act in terms of their supervising the registration of electors, elections of Members of Parliament and referenda. In this regard they:</p> <ul style="list-style-type: none"> <li>• conduct the election of the president under supervision of the chief justice;</li> <li>• at intervals of not more than four years, review the number of electoral districts, the boundaries of those district and the number of Members of Parliament to be elected to represent each electoral district; and</li> <li>• issue election notices.</li> </ul> <p>Meanwhile, the Chief Electoral Officer is responsible for:</p> <ul style="list-style-type: none"> <li>• publishing election notices;</li> <li>• providing nomination papers to candidates and assisting candidates, if required;</li> <li>• validating nomination papers according to the Election Act; and</li> <li>• publishing candidates' names.</li> </ul>
	<b>EMB model:</b>	Independent
	<b>What standards are established in the constitution or other legislation for democratic legitimacy?</b>	None specified

<b>Appointment, tenure and removals</b>	<b>Provisions for the appointment of commissioners:</b>	Electoral Commissioners are appointed by the President, acting in accordance with advice from the Cabinet. The Chief Electoral Officer is appointed by the Minister under Section 99 of the Constitution of Kiribati.	
	<b>Political status of commissioners:</b>	None specified	
	<b>Chair qualifications:</b>	The Chair should be a judge or a magistrate.	
	<b>Commissioner qualifications:</b>	Not stated in law.	
	<b>Tenure of chair and commissioners:</b>	For five years from the date of appointment.	
	<b>Provisions for the removal of commissioners:</b>	The President may revoke the appointment of Commissioners if any circumstances arise.	
	<b>Provisions for the appointment of EMB senior staff:</b>	Election Act	
	<b>Provisions for the removal of EMB senior staff:</b>	Senior staff are subject to the National Conditions of Service procedures.	
	<b>Funding arrangements</b>	<b>Setting and control of EMB's budget:</b>	This is carried out by the Chief Electoral Officer, the senior responsible officer from the ministry and the Ministry of Finance.
		<b>Financial autonomy:</b>	No: clearance from the senior responsible officer is required.
<b>Legal provisions for financial autonomy:</b>		None specified	
<b>Number of chambers/houses within the legislature:</b>		None specified	
<b>Electoral system</b>	<b>Voting system:</b>	Two-round elections. Candidates who receive 50 per cent plus one (a majority) of the votes are declared as MPs. The second round is necessary if no candidate in the first round receives a majority of the votes. In this case, the candidate who receives the highest score is declared.	
	<b>Amendments to electoral laws:</b>	The Chief Electoral Officer and Commissioners can propose amendments to the minister concerned to discuss in Cabinet. These may then be put into a Bill for approval during parliament.	
	<b>Drafting of electoral regulations:</b>	Yes, drafting goes through the same procedure as discussed above.	

<b>Electoral disputes</b>	<b>Electoral dispute resolution mechanisms:</b>	The High Court deals with electoral disputes; these are not the responsibility of the Electoral Commission.
<b>Other issues:</b>		
<b>Secretariat</b>	<b>Administrative autonomy:</b>	No
	<b>Women in senior positions:</b>	One out of six electoral commissioners is a woman. The Chief Electoral Officer (Secretariat) is also female and 21 out of 23 appointed electoral officers are women during the most recent election.
	<b>Administrative structure:</b>	The commissioners are the policy organs; the Secretariat is the CEO. There are 23 electoral districts (local governments) that are headed by clerks, appointed by the CEO, as electoral officers before the election process. These officers deal with registration and the forms for nomination of candidates; they also supervise and conduct the elections, reporting to the CEO. In addition, electoral officers are responsible for appointing polling staff and assisting polling officers.

Lesotho

<p><b>Background</b></p>	<p><b>Name of EMB:</b>  <b>Status:</b>  <b>Number of commissioners:</b>  <b>Number of full-time EMB staff:</b></p>	<p>Independent Electoral Commission (IEC) Lesotho                  Permanent                  Two commissioners and the chairperson.                  Seventy-five staff at headquarters in Maseru and 152 staff in ten districts and 80 constituencies.</p>
<p><b>Establishment of the EMB</b></p>	<p><b>Constitutional and/or legislative provisions for establishment of the EMB:</b>  <b>EMB's mandate:</b></p>	<p>Established under the Second Amendment to the Constitution of the Kingdom of Lesotho (1997).</p> <p>The EMB's mandate is to conduct national assembly elections, local government elections as well as referenda in a fair and free manner; and to register political parties. The powers and duties of the commission are prescribed in the Constitution of the Kingdom of Lesotho and in the National Assembly Electoral Act (2011). These include:</p> <ol style="list-style-type: none"> <li>a. to establish and maintain liaison and co-operation with political parties and civic groups;</li> <li>b. undertake and promote research into electoral matters;</li> <li>c. continuously review legislation and other matters relating to elections and referenda and to make appropriate documentations;</li> <li>d. promote knowledge and sound electoral practices and processes through the media and other appropriate and effective means;</li> <li>e. develop and promote the development of electoral expertise and technology in spheres of government;</li> <li>f. divide Lesotho into electoral areas and to publish the areas in the Gazette;</li> <li>g. register electors;</li> <li>h. prepare and maintain a register;</li> <li>i. prepare and maintain an elector's register for each constituency;</li> <li>j. appoint electoral officers, consultants and other persons and specify their functions;</li> <li>k. establish committees to assist and/or advise it in the performance of its functions;</li> <li>l. make regulations;</li> <li>m. appoint persons to conciliate a complaint concerning a contravention of the electoral code;</li> <li>n. appoint tribunals to hear and determine complaints concerning the contravention of the Electoral Code of Conduct;</li> <li>o. discharge such other functions as conferred upon the constitution, Electoral Act or any other law.</li> </ol>

	<b>EMB model:</b> <b>What standards are established in the constitution or other legislation for democratic legitimacy?</b>	Independent The constitution stipulates: 'The Electoral Commission shall not, in the performance of its functions, be subject to the direction or control of any person or authority'.
<b>Appointment, tenure and removals</b>	<p><b>Provisions for the appointment of commissioners:</b></p> <p><b>Political status of commissioners:</b></p> <p><b>Chair qualifications:</b></p> <p><b>Commissioner qualifications:</b></p> <p><b>Tenure of chair and commissioners:</b></p> <p><b>Provisions for the removal of commissioners:</b></p>	<p>Appointed by the King on the advice of the Council of State.</p> <p>The Independent Electoral Commission of Lesotho is appointed by the King on the advice of Council of State. In its advice to the King, the Council of State submits the names of three persons selected from a list of not less than five submitted by all political parties registered with commission. For the purpose of enabling the Council of State to select the names of persons to be submitted to the King, the council requests all registered political parties, in accordance with a procedure agreed by them, to jointly propose to the council, within a period of 30 days from the date specified by the council, a list of not less than five names.</p> <p>According to the constitution (Fourth Amendment to the Constitution) the chair of the Independent Electoral Commission should be a person of a high moral character and proven integrity, and should either qualify to hold a high judicial office or possess considerable experience and demonstrated competence in the administration of public affairs.</p> <p>Commissioners' qualifications are the same as those for the chairperson.</p> <p>The commissioners and chairperson serve an initial term of five years, which may be renewed for one additional term.</p> <p>According to the Constitution of the Kingdom of Lesotho, the chairperson or any other member of the Electoral Commission may be removed from the office by the King if the question of his/her removal from office has been referred to the tribunal and the tribunal has recommended to the King that he/she to be removed from office for the inability to exercise the functions of his/her office or for misbehaviour.</p>

	<p><b>Provisions for the appointment of EMB senior staff:</b></p>	<p>The IEC's Secretariat is managed by the director of elections. The director of elections and all commission staff, whether permanent or temporary, are appointed by the commission.</p>
	<p><b>Tenure of EMB senior staff:</b></p>	<p>The tenure of senior staff is not specified. The constitution empowers the commission to employ staff on terms and conditions of employment determined by it after consultation with the Public Service Commission.</p>
	<p><b>Provisions for the removal of EMB senior staff:</b></p>	<p>The commission has the power to discipline any member of staff of the commission in line with disciplinary code and procedures of the commission's Human Resource Policy and Procedures, or dismiss and terminate the appointment of any member of staff of the commission appointed.</p>
<p><b>Funding arrangements</b></p>	<p><b>Setting and control of EMB's budget:</b></p>	<p>Pursuant to Section 66D of the constitution, parliament may approve all such requests as the commission may require for the purpose of fulfilling its constitutional mandate. The commission prepares its budget, and it may invest in such manner as it thinks fit such funds as it does not immediately require for the performance of its functions.</p>
	<p><b>Financial autonomy:</b></p>	<p>As for recurrent expenditure, the minister of finance has to approve the relocation of funds. For non-recurrent expenditure, the commission may re-allocate the funds.</p>
	<p><b>Legal provisions for financial autonomy:</b></p>	<p>The commission operates under Government Financial Regulations.</p>
<p><b>Electoral system</b></p>	<p><b>Number of chambers/houses within the legislature:</b></p>	<p>Lesotho is a parliamentary, constitutional monarchy with the King as Head of State. The country has a bicameral parliament consisting of two houses: the National Assembly, with 120 members who are elected by a mixed member proportional (MMP) system; and a Senate with 33 members, 22 of whom are hereditary principal chiefs while 11 are appointed by the King on the advice of the prime minister.</p>
	<p><b>Voting system:</b></p>	<p>Lesotho uses a mixed member proportional electoral system (MMP) that combines elements of FPTP and proportional representation (PR). The National Assembly has 120 members, of whom 80 are elected through FPTP while 40 are elected under PR.</p>
	<p><b>Amendments to electoral laws:</b></p>	<p>Section 135 of the Electoral Act (2011) empowers the commission to continuously review legislation and other matters relating to elections and referenda, and to make appropriate recommendations.</p>
	<p><b>Drafting of electoral regulations:</b></p>	<p>Section 137(i) and Section 195 of the Electoral Act (2011) empower the commission to make regulations.</p>

<p><b>Electoral disputes</b></p>	<p><b>Electoral dispute resolution mechanisms:</b></p>	<p>The Electoral Act (2011) empowers the commission to appoint a tribunal to hear and determine complaints concerning the contravention of the Electoral Code of Conduct. The act also empowers the commission to resolve the complaints. In this regard, any elector of a political party registered with the commission may submit a complaint to the director of elections concerning any irregularity arising from the interpretation or application of Electoral Act. Thereafter:</p> <ul style="list-style-type: none"> <li>• the director shall attempt to resolve the complaint within a prescribed period;</li> <li>• if the complaint remains unresolved, the director shall refer it to a conciliator who shall investigate the complaint and attempt to resolve it;</li> <li>• if the conciliator is not able to resolve the complaint within the prescribed period, the conciliator shall write a report and submit it to the commission with recommendations;</li> <li>• the commission shall consider the report and make a decision;</li> <li>• a complainant may appeal to the High Court against the commission's decision or lack of decision within 30 days of the complaint.</li> </ul>
<p><b>Other issues:</b></p> <p><b>Secretariat</b></p>	<p><b>Administrative autonomy:</b></p> <p><b>Women in senior positions:</b></p> <p><b>Administrative structure:</b></p>	<p>The EMB does have the power to create, promote and/or abolish staff posts. There is one woman at the commission's level out of three commissioners. There are three women out of six executive managers.</p> <p>The commissioners are responsible for policy matters. The Secretariat is headed by the director of elections, who is also chief accounting officer of the commission; there are six executive managers who assist him/her. They are responsible for:</p> <ol style="list-style-type: none"> <li>1. Electoral operations: This section is responsible for overall management of elections. Responsibilities include: demarcation of constituency boundaries, registration of voters, risk management and elections logistics, to mention few.</li> <li>2. Information communication and technology: Responsible for maintenance of electors' roll and all activities related to technology.</li> <li>3. Finance and procurement.</li> <li>4. Human resources.</li> <li>5. Corporate services.</li> <li>6. Civic and voter education.</li> </ol> <p>The commission has offices in the ten districts and 80 constituencies and they are all managed by permanent staff.</p>

Malawi

<b>Background</b>	<b>Name of EMB:</b>	Malawi Electoral Commission
	<b>Status:</b>	Permanent
	<b>Number of commissioners:</b>	Nine commissioners and the chairperson.
	<b>Number of full-time EMB staff:</b>	261
	<b>Constitutional and/or legislative provisions for establishment of the EMB:</b>	The EMB is established under Section 75 of the Constitution of the Republic of Malawi. Its functions are regulated by Electoral Commission Act No. 11 of 1998. In terms of the actual conduct of elections, it is guided by the Parliamentary and Presidential Elections Act No. 31 of 1993 and the Local Government Elections Act No. 24 of 1996.
<b>EMB's mandate:</b>	<p>The EMB is responsible for all national elections: presidential elections, parliamentary elections, local government elections, by-elections and referendum. Under Section 76 (2) of the constitution, duties and functions are as follows:</p> <ol style="list-style-type: none"> <li>a. to determine constituency boundaries impartially on the basis of ensuring that constituencies contain approximately equal numbers of voters eligible to register, subject only to considerations of population density, ease of communication and geographical features, and existing administrative areas;</li> <li>b. to review existing constituency boundaries at intervals of not more than five years and alter them in accordance with the principles stated in (a) above;</li> <li>c. to determine electoral petitions and complaints related to the conduct of any elections;</li> <li>d. to ensure compliance with the provisions of the Constitution of the Republic of Malawi or an act of parliament;</li> <li>e. to perform such other functions as may be prescribed by the Constitution of the Republic of Malawi or an act of parliament.</li> </ol> <p>Under the Electoral Commission Act, functions of the commission include:</p> <ol style="list-style-type: none"> <li>f. to undertake or supervise the demarcation of wards;</li> <li>g. to organise and direct registration of voters;</li> <li>h. to devise and establish voters' registers and ballot papers;</li> <li>i. to establish and operate polling stations;</li> </ol>	

		<p>j. to establish security conditions necessary for the conduct of every election in accordance with any written law governing elections;</p> <p>k. to promote public awareness of electoral matters through the media and other appropriate and effective means, and to conduct civic and voter education on such matters;</p> <p>l. to promote and conduct research into electoral matters and into any matter pertaining to its functions, and to publish the results of such research; and</p> <p>m. to take measures and to do such other things as are necessary for conducting free and fair elections.</p> <p>Independent</p>
	<p><b>EMB model:</b></p> <p><b>What standards are established in the constitution or other legislation for democratic legitimacy?</b></p>	<p>The Constitution mandates the EMB to promote the principle of equality voting power by ensuring that constituencies contain approximately equal numbers of voters eligible to register. The commission is also mandated to take all necessary measures to ensure free and fair elections and to conduct civic and voter education under the Electoral Commission Act.</p>
<p><b>Appointment, tenure and removals</b></p>	<p><b>Provisions for the appointment of commissioners:</b></p> <p><b>Political status of commissioners:</b></p> <p><b>Chair qualifications:</b></p> <p><b>Commissioner qualifications:</b></p> <p><b>Tenure of chair and commissioners:</b></p> <p><b>Provisions for the removal of commissioners:</b></p> <p><b>Provisions for the appointment of EMB senior staff:</b></p>	<p>Commissioners are appointed by the president in consultation with the leaders of political parties represented in the National Assembly. The chairperson is appointed following the recommendation of the Judicial Service Commission.</p> <p>Appointments based on political party affiliation.</p> <p>The Chairperson must be a judge.</p> <p>None</p> <p>Four years individually from the date of appointment for both chair and commissioners; can be re-appointed.</p> <p>A member of the EMB may be removed from office by the President on the recommendation of the Public Appointments Committee on the grounds of incapacity or incompetency in the performance of duties of that office.</p> <p>The EMB appoints the professional, technical, administrative and support staff through competitive interviews, directly or through reputable firms.</p>

	<b>Tenure of EMB senior staff:</b>	The Chief Elections Officer enters into a five-year contract, and the rest are on permanent terms retiring at 60 years.
	<b>Provisions for the removal of EMB senior staff:</b>	Senior members of staff are removed in line with procedures laid out in the conditions of service developed by the EMB.
<b>Funding arrangements</b>	<b>Setting and control of EMB's budget:</b>	The EMB budget is prepared by the EMB following a ceiling set by Treasury, and submits it to the Treasury. Once parliament appropriates, Treasury releases funds on a monthly basis to the EMB based on its resources; usually by the end of the year it has released less than the budgeted funds.
	<b>Financial autonomy:</b>	No, the EMB has to seek clearance from Treasury in line with the provisions of the Public Finance Management Act (PFMA).
	<b>Legal provisions for financial autonomy:</b>	The Constitution and the Electoral Commission Act gives independence to the EMB with regard to operations and decision on the conduct of elections, but no independence on financial operations.
<b>Electoral system</b>	<b>Number of chambers/houses within the legislature:</b>	Unicameral
	<b>Voting system:</b>	FPTP
	<b>Amendments to electoral laws:</b>	By the EMB following consultations with electoral stakeholders through the Ministry of Justice; Law Commission.
	<b>Drafting of electoral regulations:</b>	The EMB can draft regulations, but these can only come into effect once signed by the minister of justice.
<b>Electoral disputes</b>	<b>Electoral dispute resolution mechanisms:</b>	There are two forms, informal and formal. The informal arrangement involves use of the Multi-Party Liaison Committee (MPLC), established in each local council. Membership includes representatives of all contesting political parties, public officers whose function has a role in conflict management, traditional leaders and civil society organisations. The matters are adjudicated informally and determinations submitted to the EMB. Those not satisfied take matters to the formal arrangement, which has two levels. First the law provides that matters must be handled by the EMB, then, if unsatisfied, the aggrieved party may proceed to courts.

<p><b>Other issues:</b></p>	
<p><b>Secretariat</b></p>	<p>No, the EMB does not have the power to create, promote or abolish staff posts. It can only approach a relevant government department to carry out a functional review, after which the accepted changes would be effected.</p> <p>Three Commissioners and 17 Secretariat staff are women.</p> <p>Commissioners are structured at the top as policy-makers, while the Secretariat is headed by a CEO. The CEO is assisted by two deputies: one responsible for operations and another responsible for finance and administration. There are eight directorates:</p> <ol style="list-style-type: none"> <li>1. Electoral Services</li> <li>2. Civic and Voter Education</li> <li>3. Media and Public Relations</li> <li>4. Information and Communication Technology</li> <li>5. Finance</li> <li>6. Audit</li> <li>7. Administration and Finance</li> <li>8. Legal</li> </ol> <p>There are three regional offices headed by officers at the level of deputy director. There are at least two elections officers located at each of the 35 local council offices. There are 462 wards, 193 constituencies in 35 local councils.</p>
<p><b>Administrative autonomy:</b></p>	
<p><b>Women in senior positions:</b></p>	
<p><b>Administrative structure:</b></p>	

**Maldives**

<p><b>Background</b></p>	<p><b>Name of EMB:</b>  <b>Status:</b>  <b>Number of commissioners:</b>  <b>Number of full-time EMB staff:</b></p>	<p>Elections Commission of Maldives (ECM)                  Independent                  Four commissioners and the chairperson.                  At present, 48 permanent staff employed (excluding the commissioners and Secretary-General).</p>
<p><b>Establishment of the EMB</b></p>	<p><b>Constitutional and/or legislative provisions for establishment of the EMB:</b></p>	<p>The Elections Commission of Maldives is established under Article 167 of the Constitution, which states:                  a. <i>There shall be an Elections Commission of the Maldives.</i>                  b. <i>The Elections Commission is an independent and impartial institution. It shall exercise its duties and responsibilities in accordance with the Constitution and laws enacted by the People's Majlis.</i>                  c. <i>The Elections Commission shall function as provided by the statute governing the Elections Commission. Such statute shall specify the responsibilities, powers, mandate, qualifications, and ethical standards of members.</i></p>
	<p><b>EMB's mandate:</b></p>	<p>The Elections Commission's responsibilities and powers include the following:                  a. to conduct, manage, supervise and facilitate all elections and public referendums, to ensure the proper exercise of the right to vote, and to ensure that all elections and public referendums are conducted freely and fairly, without intimidation, aggression, undue influence or corruption;                  b. to prepare, maintain, and update electoral rolls, and to make all arrangements for holding elections and public referendums;                  c. to hold and declare the results of those elections and public referendums within periods prescribed by law;                  d. to compile the register of voters in each constituency, to revise it at such periods as shall be determined by law and to provide for publication of the register in the Government Gazette;                  e. to fix, vary, demarcate and continuously review the boundaries and names of constituencies or voting units in all elections in accordance with principles specified by law and to provide for publication of any amendments in the Government Gazette;                  f. to register political parties, and to perform those actions relating to political parties as specified by law;                  g. to educate and create awareness among the general public on the electoral process and its purpose;                  h. to perform such additional functions as may be prescribed by law.</p>

	<p><b>EMB model:</b></p> <p><b>What standards are established in the Constitution or other legislation for democratic legitimacy?</b></p>	<p>Independent</p> <p>The commissioners are selected and appointed as per Articles 168 and 169 of the Constitution, which states as follows:</p> <p>Article 168</p> <p>a. <i>The Elections Commission shall comprise of at least five members including the Chairman of the Commission.</i></p> <p>b. <i>The President shall appoint to the Elections Commission those persons approved by a majority of the People's Majlis from the names submitted to the People's Majlis as provided for in the statute governing the Elections Commission.</i></p> <p>Article 169</p> <p><i>To be qualified for appointment to the Elections Commission, a person shall possess the educational qualifications, experience and recognized competence necessary to discharge the functions of the Elections Commission. Members of the Elections Commission shall not engage in any other employment.</i></p> <p>The commission appoints a Secretary-General on merit basis, upon which other senior staff and employees are recruited on public announcements, on a merit basis.</p>
<p><b>Appointment, tenure and removals</b></p>	<p><b>Provisions for the appointment of commissioners:</b></p> <p><b>Political status of commissioners:</b></p> <p><b>Chair qualifications:</b></p> <p><b>Commissioner qualifications:</b></p> <p><b>Tenure of chair and commissioners:</b></p>	<p>Section (b) of Article 168 of the Constitution:</p> <p><i>The President shall appoint to the Elections Commission those persons approved by a majority of the People's Majlis from the names submitted to the People's Majlis as provided for in the statute governing the Elections Commission.</i></p> <p>Appointments are based on knowledge, expertise, experience and political balances.</p> <p>To be qualified for appointment to the Elections Commission, a person shall possess the educational qualifications, experience and recognised competence necessary to discharge the functions of the Elections Commission. Members of the Elections Commission shall not engage in any other employment.</p> <p>As above.</p> <p>Commissioners are appointed for a term of five years, on a renewable basis.</p>

	<p><b>Provisions for the removal of commissioners:</b></p>	<p>Article 177 of the Constitution states:  <i>A member of the Elections Commission shall be removed from office only for the reasons specified in article (a), and in the manner specified in article (b):</i>                      a. <i>on the ground of misconduct, incapacity or incompetence; and</i>                      b. <i>a finding to that effect by a committee of the People's Majlis pursuant to article (a), and upon the approval of such finding by the People's Majlis by a majority of those present and voting, calling for the member's removal from office, such member shall be deemed removed from office.</i></p>
	<p><b>Provisions for the appointment of EMB senior staff:</b></p>	<p>The commission appoints a Secretary-General on merit basis, upon which other senior staff are recruited on public announcements, on a merit basis.</p>
	<p><b>Tenure of EMB senior staff:</b></p>	<p>The Secretary-General is appointed for a term of five years; others are permanent staff.</p>
	<p><b>Provisions for the removal of EMB senior staff:</b></p>	<p>The Secretary-General and other staff are dismissed on a performance appraisal basis.</p>
<p><b>Funding arrangements</b></p>	<p><b>Setting and control of EMB's budget:</b></p>	<p>ECM sets its own budget (autonomous), submits it to the Ministry of Finance and Treasury, and this will then be sent to parliament; here it is discussed and parliament will approve the budget. The approved budget will be sent back to ECM, upon which it is executed as approved.</p>
	<p><b>Financial autonomy:</b></p>	<p>Autonomous budget</p>
	<p><b>Legal provisions for financial autonomy:</b></p>	<p>None specified</p>
<p><b>Electoral system</b></p>	<p><b>Number of chambers/houses within the legislature:</b></p>	<p>Unicameral: The People's Majlis</p>
	<p><b>Voting system:</b></p>	<p>Majoritarian (FPTP)</p>
	<p><b>Amendments to electoral laws:</b></p>	<p>The Elections Commission itself can propose; otherwise a Member of Parliament or the Attorney-General can propose an amendment.</p>
	<p><b>Drafting of electoral regulations:</b></p>	<p>The Elections Commission can draft and send amendments to any law in its mandate via the Attorney-General to the parliament.</p>

<p><b>Electoral disputes</b></p>	<p><b>Electoral dispute resolution mechanisms:</b></p>	<p>The electoral dispute resolution mechanism is explained in Articles 62 to 64 of the Elections General Act 2008. It states:</p> <p>62. <i>The Elections Commission shall in accordance with the regulation made under this Act, establish a mechanism to receive and expeditiously deal with complaints from individuals, wishing to raise complaints regarding the elections, during the duration of the election.</i></p> <p>63. <i>The following persons have the right to raise election s related complaints under section 62 of this Act:</i></p> <ul style="list-style-type: none"> <li>a. <i>Every individual having the right to vote in the election.</i></li> <li>b. <i>Every candidate contesting in the election.</i></li> <li>c. <i>Political parties.</i></li> <li>d. <i>Election observers and election monitors approved under this Act by the Elections Commission.</i></li> <li>e. <i>Elections officials.</i></li> </ul> <p>64. a. <i>Where any person does an act in contravention of this Act or regulations made hereunder, or the specific law pertaining to an election or regulations made thereunder, or a person is dissatisfied with a decision of the Elections Commission pursuant to a complaint raised under section 62 of this Act, or is dissatisfied with the results of the election, the dissatisfied person can file a petition with the High Court.</i></p> <p>b. <i>Every individual mentioned in section 63 of this Act has the right to file a petition with the High Court pursuant to subsection (a). However, where an individual commits a criminal offence in contravention of this Act or regulations made hereunder, or the specific law pertaining to the election or regulations made thereunder, only the Elections Commission has the discretion to refer the matter for judgment to the High Court through the Prosecutor General.</i></p> <p>c. <i>Where a petition is to be filed with the High Court pursuant to subsections (a) or (b), the reasons for the petition, and details of the claim including evidence should be submitted to the High Court of the Maldives within not more than fourteen (14) days of the announcement of the formal results of the election.</i></p>
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<p><b>Other issues:</b> <b>Secretariat</b></p>	<p><b>Administrative autonomy:</b> <b>Women in senior positions:</b> <b>Administrative structure:</b></p>	<p>Yes</p> <p>All five commissioners are men; seven out of the 12 senior staff are women.</p> <p>The commissioners are the policy-making body of the commission. The Secretariat is headed by the Secretary-General. The overall functioning of the commission Secretariat is divided into four divisions headed by division heads. Under each division there are sections headed by the section head. Division heads report directly to the Secretary-General, whereas section heads report to the respective division head. The structure is as follows:</p> <ol style="list-style-type: none"> <li>1. Commissioners</li> <li>2. Secretary-General             <ol style="list-style-type: none"> <li>a. Commissioners Bureau</li> <li>b. Legal Affairs and Political Parties Regulation Section</li> </ol> </li> <li>3. Division heads             <ol style="list-style-type: none"> <li>a. Human Resource and Operations Division                 <ul style="list-style-type: none"> <li>• Human Resource and Professional Development Section</li> <li>• Administration Section</li> <li>• Procurement Section</li> </ul> </li> <li>b. Planning and Finance Division                 <ul style="list-style-type: none"> <li>• Planning, Statistics and Archives Section</li> <li>• Finance Section</li> </ul> </li> <li>c. Elections Coordination and Civic Education Division                 <ul style="list-style-type: none"> <li>• Elections Coordination Section</li> <li>• Civic and Voter Education Section</li> </ul> </li> <li>d. Registration and ICT Division                 <ul style="list-style-type: none"> <li>• Registration Section</li> <li>• ICT Section</li> </ul> </li> </ol> </li> </ol>
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## Malta

<b>Background</b>	<b>Name of EMB:</b>	The Electoral Commission of Malta
	<b>Status:</b>	Permanent
<b>Establishment of the EMB</b>	<b>Number of commissioners:</b>	Nine commissioners
	<b>Number of full-time EMB staff:</b>	41
	<b>Constitutional and/or legislative provisions for establishment of the EMB:</b>	Article 60 of the Constitution of the Republic of Malta.
	<b>EMB's mandate:</b>	To conduct general elections, local council elections, referenda and the election for Members of the European Parliament. To review the boundaries of the electoral divisions.
	<b>EMB model:</b>	Independent.
	<b>What standards are established in the constitution or other legislation for democratic legitimacy?</b>	The commissioners are appointed by the President of the Republic, acting in accordance with the advice of the prime minister, given after he has consulted the Leader of the Opposition.
	<b>Provisions for the appointment of commissioners:</b>	While the Chief of the Electoral Commission, who also serves as the chairman of the commission, must be a public servant, the rest of the commissioners shall not qualify if they are public officers, ministers, parliamentary secretaries, members or candidates for election to the House of Representatives.
<b>Appointment, tenure and removals</b>	<b>Political status of commissioners:</b>	Appointments are based on expertise.
	<b>Chair qualifications:</b>	The chair is appointed from the public service. There are no other specific requisites.
	<b>Commissioner qualifications:</b>	The commissioners cannot be public officers, ministers, parliamentary secretaries, members or candidates for election to the House of Representatives. There are no other specific requisites.
	<b>Tenure of chair and commissioners:</b>	The tenure of commissioners is for three years from the date of their appointment. Fresh appointments are re-issued every three years, but the commissioners may be re-appointed.
	<b>Provisions for the removal of commissioners:</b>	An electoral commissioner may be removed from office by the President of the Republic, acting in accordance with the advice of the prime minister.

	<p><b>Provisions for the appointment of EMB senior staff:</b></p>	<p>Staff are appointed through the Electoral Office, which is set up by the General Elections Act. The administration of said office is the sole responsibility of the commission, with the chief commissioner being responsible for its day-to-day running and for the implementation of the commission's decisions.</p>
	<p><b>Tenure of EMB senior staff:</b></p>	<p>Terms of office are identical to all civil service staff, i.e. permanently engaged, subject to transfer to other departments and disciplinary measures according to work exigencies.</p>
	<p><b>Provisions for the removal of EMB senior staff:</b></p>	<p>Civil servants may be transferred to other government departments. If one has transgressed regulations, one is submitted to disciplinary measures – either internally or externally through the Public Service Commission, depending on the gravity.</p>
<p><b>Funding arrangements</b></p>	<p><b>Setting and control of EMB's budget:</b></p>	<p>Recurrent budgeting for the running of the Electoral Office is made through the annual national budget by the Ministry of Finance. Election expenses are also similarly budgeted, but such funds are obtained from the national consolidated funds.</p>
	<p><b>Financial autonomy:</b></p>	<p>In the exercise of its functions under the constitution, the Electoral Commission shall not be subject to the direction or control of any other person or authority.</p>
	<p><b>Legal provisions for financial autonomy:</b></p>	<p>Art. 60 (9) of the Constitution of Malta and Art. 4 and Art. 7(3) of the General Elections Act (Chapter 354 of the Laws of Malta). Autonomy is as outlined above.</p>
<p><b>Electoral system</b></p>	<p><b>Number of chambers/houses within the legislature:</b></p>	<p>Unicameral</p>
	<p><b>Voting system:</b></p>	<p>Members of the House of Representatives are elected through the single transferable voting system (proportional representation).</p>
	<p><b>Amendments to electoral laws:</b></p>	<p>The legislative function lies with parliament. The commission may make recommendations for amendments through the Attorney-General.</p>
	<p><b>Drafting of electoral regulations:</b></p>	<p>The commission may make regulations regarding the General Elections Act, but the prime minister must lay the regulations on the Table of the House of Representatives.</p>

<b>Electoral disputes</b>	<b>Electoral dispute resolution mechanisms:</b>	The Electoral Commission will first deal with any request or dispute. If unsolved, the parties may revert to the Courts of Malta.
<b>Other issues:</b>		
<b>Secretariat</b>	<b>Administrative autonomy:</b>	If conducive to the exercise of its functions under the General Elections Act, the commission may create and eventually abolish staff posts.
	<b>Women in senior positions:</b>	None
	<b>Administrative structure:</b>	Electoral Commission: chief electoral commissioner and head of the Electoral Office; secretary to the Electoral Commission. Electoral Office: director of operations; director of corporate services; HR Unit; Data Unit; Approval Unit and Archives Unit.

Mauritius

<p><b>Background</b></p>	<p><b>Name of EMB:</b></p> <p>The EMB (Mauritius) comprises the following:</p> <ol style="list-style-type: none"> <li>1. Office of the Electoral Commissioner</li> <li>2. Electoral Supervisory Commission (ESC)</li> <li>3. Electoral Boundaries Commission (EBC)</li> </ol> <p><b>Status:</b></p> <p>Permanent.</p> <p><b>Number of commissioners:</b></p> <p><i>Office of the Electoral Commissioner: one commissioner. Electoral Supervisory Commission: one chair and six members. Electoral Boundaries Commission: one chair and six members.</i></p> <p><b>Number of full-time EMB staff:</b></p> <p><i>Office of the Electoral Commissioner</i>                  Number of established posts: 73.                  69 staff presently employed (23 male, 46 female).</p>
<p><b>Establishment of the EMB</b></p>	<p><b>Constitutional and/or legislative provisions for establishment of the EMB:</b></p> <p>The Office of the Electoral Commissioner is established under Section 40 of the Constitution of the Republic of Mauritius. The two other bodies forming part of the EMB (ESC and EBC) are established under Section 38 of the constitution.</p> <p><b>EMB’s mandate:</b></p> <p>A. The <i>Office of the Electoral Commissioner</i> is responsible for:</p> <ol style="list-style-type: none"> <li>i. conducting National Assembly elections, municipal city council and municipal town council elections, village council elections, and Rodrigues Regional Assembly elections (Rodrigues is a 108 square km autonomous outer island of the Republic of Mauritius, about 560 km east of Mauritius);</li> <li>ii. preparation of the voters roll annually; and</li> <li>iii. voter education.</li> </ol> <p>B. The <i>Electoral Supervisory Commission</i> has general responsibility for, and supervises, the registration of electors and conduct of elections. It is also responsible for registration of political parties</p> <p>C. The <i>Electoral Boundaries Commission</i> is mandated to review boundaries of constituencies every ten years following the presentation of its last report.</p> <p><b>EMB model:</b></p> <p>Independent</p>

<p><b>Appointment, tenure and removals</b></p>	<p><b>Provisions for the appointment of commissioners and senior staff:</b></p>	<p>A: <i>The Electoral Commissioner</i> The electoral commissioner is appointed by the Judicial and Legal Service Commission and enjoys security of tenure under the provisions of the Constitution of the Republic of Mauritius: The Judicial and Legal Service Commission is an independent body chaired by the chief justice of the Supreme Court of the Republic of Mauritius and comprises the following members:</p> <ul style="list-style-type: none"> <li>a. the senior Puisne judge;</li> <li>b. the chairman of the Public Service Commission; and</li> <li>c. one other member appointed by the president, acting in accordance with the advice of the chief justice.</li> </ul> <p>All electoral and administrative staff are recruited by the Public Service Commission (PSC). The PSC is an independent body established under the constitution with powers, <i>inter alia</i>, to appoint and promote persons in the public service.</p> <p>B: <i>Electoral Supervisory and Boundaries Commissions</i> The chair and members of the ESC and the EBC are appointed by the President of the Republic of Mauritius, acting after consultation with the prime minister, the leader of the opposition and such other persons as appear to the president, acting in his or her own deliberate judgement, to be leaders of parties in the National Assembly.</p>
	<p><b>Political status:</b></p>	<p>A: <i>The Electoral Commissioner</i> Non-political; the electoral commissioner is the holder of a constitutional post and, in the exercise of his functions, he shall not be subject to the direction or control of any other person or authority</p> <p>B: <i>Electoral Supervisory Commission</i> Non-political; the chair and members are appointed under the constitution by the President of the Republic of Mauritius.</p> <p>C: <i>Electoral Boundaries Commission</i> Non-political; the chair and members are appointed under the constitution by the President of the Republic of Mauritius.</p>

	<p><b>Chair/commissioners qualifications:</b></p> <p><b>Tenure of commissioners and senior staff:</b></p>	<p>The electoral commissioner must be qualified to practise as a barrister in Mauritius.</p> <p>A. <i>Office of the Electoral Commissioner</i></p> <ul style="list-style-type: none"> <li>i. The electoral commissioner and the senior staff of the Office of the Electoral Commissioner are appointed on a permanent basis;</li> <li>ii. The electoral commissioner enjoys security of tenure under the provisions of the constitution;</li> <li>iii. The conditions of service of the senior staff are governed by the PSC regulations.</li> </ul> <p>B. <i>Electoral Supervisory Commission and Electoral Boundaries Commission</i></p> <p>The chair and members are appointed for a period of five years by the President of the Republic. No person shall be qualified for appointment as a member of the ESC or EBC if he or she is a member of, or a candidate for, election to the National Assembly or any local authority or a public officer or a local government officer.</p>
	<p><b>Provisions for the removal of commissioner and senior staff:</b></p>	<p>The electoral commissioner may only be removed from office for inability to discharge the functions of his office (whether arising from infirmity of body or mind or any other cause) or for misbehaviour, by the president acting in accordance with the provisions set out in the constitution.</p> <p>The staff of the Office of the Electoral Commissioner can only be removed from office by the Public Service Commission under established regulations.</p>

<b>Funding arrangements</b>	<b>Setting and control of EMB's budget:</b>	The EMB's budget is voted yearly by the National Assembly.
	<b>Financial autonomy:</b>	No financial autonomy. The National Audit Office audits all expenses.
	<b>Legal provisions for financial autonomy:</b>	Nil
	<b>Number of chambers/houses within the legislature:</b>	Unicameral
	<b>Voting system:</b>	First-past-the-post system. For the Rodrigues Regional Assembly elections: a mixed system – first-past-the-post with a dose of proportional representation (PR).
<b>Electoral system</b>	<b>Amendments to electoral laws:</b>	By the National Assembly and proclaimed by the President of the Republic of Mauritius. Every proposed bill and every proposed regulation or other instrument having the force of law and relating to the registration of electors for the election of members of the National Assembly or to the election of such members, shall be referred to the ESC and to the electoral commissioner at such time as shall give them sufficient opportunity to make comments thereon before the bill is introduced in the National Assembly.
	<b>Drafting of electoral regulations:</b>	Drafted by Attorney-General's Office after input by EMB, voted in the National Assembly, and proclaimed by the President of the Republic.
	<b>Electoral dispute resolution mechanisms:</b>	By the Supreme Court of Mauritius, with possibility of appeal to the Privy Council in UK, which is the final Court of Appeal for the Republic of Mauritius.
<b>Other issues:</b>		
<b>Secretariat</b>	<b>Administrative autonomy:</b>	The EMB does not have the power to create, promote or abolish staff posts. Powers to create and abolish posts are vested in the Ministry of Civil Service Affairs after request from the Office of the Electoral Commissioner. Powers to promote are vested in the PSC.
	<b>Women in senior positions:</b>	Office of the <i>Electoral Commissioner</i> . 12 women – representing 57 per cent.

<p><b>Secretariat</b></p>	<p><b>Structure:</b></p>	<p>Office of the Electoral Commissioner</p> <ul style="list-style-type: none"> <li>↓</li> <li>electoral commissioner</li> <li>↓</li> <li>deputy electoral commissioner (appointed at election time only)</li> <li>↓</li> <li>chief electoral officer (1)</li> <li>↓</li> <li>deputy chief electoral officer (1)</li> <li>↓</li> <li>principal electoral officer (2)</li> <li>↓</li> <li>senior electoral officer (2)</li> <li>↓</li> <li>electoral officer (10)</li> </ul> <p>The Office of the Electoral Commissioner comprises the following sections:</p> <ol style="list-style-type: none"> <li>1. Human Resource</li> <li>2. Confidential Registry</li> <li>3. Open Registry</li> <li>4. Finance</li> <li>5. Procurement and Supply</li> <li>6. Computer and IT</li> </ol>	<p>Electoral Supervisory Commission</p> <ul style="list-style-type: none"> <li>↓</li> <li>chair (1)</li> <li>↓</li> <li>members (6)</li> <li>↓</li> <li>secretary (1) – part time</li> <li>↓</li> <li>management support officer (1) part time</li> </ul>	<p>Electoral Boundaries Commission</p> <ul style="list-style-type: none"> <li>↓</li> <li>chairman (1)</li> <li>↓</li> <li>members (6)</li> <li>↓</li> <li>secretary (1) – part time</li> <li>↓</li> <li>management support officer (1) - part time</li> </ul>
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## Mozambique

<b>Background</b>	<p><b>Name of EMB:</b> Comissão Nacional de Eleições (CNE)</p> <p><b>Status:</b> Permanent</p> <p><b>Number of commissioners:</b> Fourteen commissioners, two deputy chairpersons and one chairperson.</p> <p><b>Number of full-time EMB staff:</b> CNE has 24 permanent staff; while the Technical Secretariat for Electoral Administration (STAE), which operates under permanent orientation and supervision of CNE, has 500 permanent staff members. During the electoral period, commissioners are incorporated at the provincial (10 provinces and the City of Maputo) and district (148) levels. The number of commissioners is 15 in each province and district. On the election day, 119,000 polling officers are recruited to assist about 17,000 polling stations. Each polling station comprises seven polling officers, where four are recruited through public tender and three are provided by political parties with a seat in parliament (one officer each).</p>
<b>Establishment of the EMB</b>	<p><b>Constitutional and/or legislative provisions for establishment of the EMB:</b> CNE was established under the terms of Article 135, paragraph 3, taken together with Article 179, paragraph 2, line d), both of the Constitution of the Republic of Mozambique and the Law nr. 30/2014, of 26 September 2014 that introduces changes to the Law nr. 6/2013, of 22 February, text and contents which, as a result of negotiations between government and RENAMO political party, had been changed by the Law nr. 9/2014, of 12 March.</p>
<b>EMB's mandate:</b>	<p>The mandate of the CNE is to improve the organisation, co-ordination, execution, conduct, management and supervision of voter registration and of elections. As such:</p> <ol style="list-style-type: none"> <li>1. The National Elections Commission shall:       <ol style="list-style-type: none"> <li>a. guarantee that voter registration and elections are organised and undertaken ethically and under conditions of full freedom, fairness and transparency;</li> <li>b. ensure that citizens are treated equally in all acts during the electoral process;</li> <li>c. ensure equality of opportunity and of treatment to the proponent political parties, coalitions of parties or citizen voter groups in all acts during the electoral process;</li> </ol> </li> </ol>

<ul style="list-style-type: none"><li>d. ensure equality of opportunity and the same treatment to all members of the National Elections Commission and of all its support bodies;</li><li>e. ensure equality of opportunity and of treatment to voter registration agents, monitors, polling station staff, and delegates of the candidatures, agents of the candidatures and national and foreign observers;</li><li>f. receive and analyse the legality and regularity of candidatures for the parliamentary elections, elections of the provincial assemblies and municipal elections;</li><li>g. register political parties, coalitions of parties or citizen voter groups competing in the elections;</li><li>h. promote, through the media and other means of mass publicity, civic education of the voters and explanation about questions of electoral interest;</li><li>i. approve the models of the voter registration form, the electoral register, the ballot paper, the minutes of voting at the polling station, the results sheets and any other forms or materials to be used in the elections;</li><li>j. approve the terms of curriculum assessment and hold public tenders for recruiting staff;</li><li>k. approve the terms of awarding contracts for election material, vehicles and other means of transport and equipment;</li><li>l. approve the code of conduct for the candidates, political parties, coalitions of parties or citizen voter groups competing in the elections;</li><li>m. approve the code of conduct for the agents of law and order during the election;</li><li>n. approve the regulations on the use of public places and buildings to be used by the candidates, political parties, coalitions of parties or citizen voter groups competing in the elections;</li><li>o. approve the regulations of the Electoral Administration Technical Secretariat which fixes the attributes and powers of the directorates, departments and offices as well as the structure to be set up at provincial, district or city level;</li><li>p. draw lots among the candidates for the parliamentary and municipal elections for places on the ballot paper;</li></ul>		
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<p>q. approve the regulations, instructions and directives concerning the conduct of the voter registration and the elections, which shall be published in the <i>Boletim da Republica</i> (Official Gazette), 1<sup>st</sup> Series;</p> <p>r. distribute broadcasting time on the public sector radio and television channels among the various candidatures for the presidential and parliamentary elections, and for the provincial and municipal assemblies, with equality of rights and without discrimination;</p> <p>s. guarantee that the competent authorities establish the security conditions necessary for holding voter registration and elections throughout the national territory;</p> <p>t. formally distribute copies of the results sheets and of the original minutes of the centralisation of the general count, duly signed and stamped, to the election agents of each candidature;</p> <p>u. deliver copies of the results sheets and of the original minutes of the centralisation of the general count, duly signed and stamped, to the nucleus of observers and to journalists during the act of divulging the election results, when requested;</p> <p>v. guarantee security in the production, transport, storage and distribution of voter registration and voting material;</p> <p>w. guarantee that the funding to be allocated to political parties or coalitions of parties and candidates competing in the elections is provided before the date set for the start of the election campaign;</p> <p>x. guarantee conditions for accompanying, transporting, storing and distributing electoral material, security at the registration posts, and the rooms used for registration and voting, and the dispatch of the results sheets and original minutes of the vote count at all levels, observing for this purpose compliance with the rights granted to political parties, coalitions of parties and other stakeholders in elections;</p> <p>y. determine the places where voter registration posts and polling stations will be set up and will operate, in accordance with the proposals from the lower level electoral bodies;</p>		
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		<p>z. ensure that the charts are drawn up with the respective code numbers;  aa. inform the Public Prosecutor's Office of any electoral offences of which it becomes aware.</p> <p>2. Also as part of its attributes, the <i>National Elections Commission</i> shall:</p> <ol style="list-style-type: none"> <li>a. approve the electoral timetable and calendar, once the date of an election has been fixed, containing the dates and indicating the acts that are subject to deadlines;</li> <li>b. decide on the alteration of the voting period by a period not longer than one day;</li> <li>c. analyse the regularity of the electoral accounts;</li> <li>d. approve the charts of the centralisation of data concerning the presidential and parliamentary elections, and the election of the provincial and municipal assemblies;</li> <li>e. undertake the operations of the national count of the results of the presidential and parliamentary elections, and the election of the provincial and municipal assemblies;</li> <li>f. decide, within three days, on the complaints and appeals made against the decisions taken by the support bodies and agents in the electoral process;</li> <li>g. draw up and approve the final report on the electoral process and order it published in the <i>Boletim da Republica</i>, within one hundred and twenty days (120) of the investiture of the elected bodies.</li> </ol> <p>3. The <i>National Elections Commission</i> is also empowered to perform the other functions attributed by the present law or by other electoral legislation.</p>
	<p><b>EMB model:</b></p> <p><b>What standards are established in the constitution or other legislation for democratic legitimacy?</b></p>	<p>Independent</p> <ol style="list-style-type: none"> <li>1. The National Elections Commission is a body that is independent of all public and private powers.</li> <li>2. The National Elections Commission, in the exercise of its duties, owes obedience only to the constitution and the laws.</li> <li>3. In the exercise of their duties, the members of the National Elections Commission do not represent the public or private institutions, or the political or social institutions from which they came, but defend the national interest, obeying the dictates of the law and of their conscience.</li> </ol>

<b>Appointment, tenure and removals</b>	<b>Provisions for the appointment of commissioners:</b>	Political parties (FRELIMO: 5 commissioners; RENAMO: 4 commissioners and MDM: 1 commissioner) appoint their candidates through internal processes and parliament endorses the candidates. The seven members from legally constituted civil society organisations (CSOs) are proposed by the CSOs integrated into a forum of such organisations or individually, and the procedure is conducted by an ad-hoc commission set up by parliament under the terms of a specific resolution which announces the call for candidates
	<b>Political status of commissioners:</b>	Mixed. As above.
	<b>Chair qualifications:</b>	No specific qualifications are required.
	<b>Commissioner qualifications:</b>	<ol style="list-style-type: none"> <li>1. The National Elections Commission consists of 17 members, including one chairperson and two deputy chairpersons.</li> <li>2. Mozambican citizens may be members of the National Elections Commission if they: <ol style="list-style-type: none"> <li>a. are over 25 years old;</li> <li>b. are of recognised moral and professional merit; and</li> <li>c. are fit to exercise their duties with trustworthiness, independence, impartiality, neutrality, objectivity, competence and zeal.</li> </ol> </li> </ol>
	<b>Tenure of chair and commissioners:</b>	Six years; renewable.
	<b>Provisions for the removal of commissioners:</b>	<p>The members of the National Elections Commission are independent, impartial and irremovable, and may not cease their duties before the end of the term of office for which they were appointed, except in the cases envisaged in the law.</p> <ol style="list-style-type: none"> <li>1. Members of the National Elections Commission shall cease their duties before the end of their term of office when any of the following situations occurs: <ol style="list-style-type: none"> <li>a. death or permanent incapacity;</li> <li>b. resignation;</li> <li>c. acceptance of a position or practising an act which is legally incompatible with the exercise of their duties.</li> </ol> </li> <li>2. Resignation shall be declared in writing to the chairperson of the National Elections Commission and its effectiveness does not depend on acceptance by the body.</li> </ol>

		<p>3. The National Elections Commission shall verify the occurrence of any of the situations envisaged in lines a), b) and c) of paragraph 1 of the current article, and permanent incapacity shall be proved in advance by a National Health Board.</p> <p>The cessation of duties because of the provisions of paragraph 1 of this article shall be declared by the chairperson of the National Elections Commission, who shall have the declaration published in the 1<sup>st</sup> Series of the <i>Boletim da Republica</i>.</p> <p>Appointed by the chairperson through public tender.</p> <p>Until retirement.</p> <p>Only removed according to the terms that apply to all public servants.</p>
<p><b>Funding arrangements</b></p>	<p><b>Provisions for the appointment of EMB senior staff:</b></p>	
	<p><b>Tenure of EMB senior staff:</b></p>	
	<p><b>Provisions for the removal of EMB senior staff:</b></p>	
	<p><b>Setting and control of EMB's budget:</b></p>	<p>By the CNE.</p>
<p><b>Electoral system</b></p>	<p><b>Financial autonomy:</b></p>	<p>Yes</p>
	<p><b>Legal provisions for financial autonomy:</b></p>	<p>According to the law, the National Elections Commission has its own statute, staff table and budget.</p>
	<p><b>Number of chambers/houses within the legislature:</b></p>	<p>Unicameral</p>
	<p><b>Voting system:</b></p>	<p>Majoritarian</p>
	<p><b>Amendments to electoral laws:</b></p>	<p>According to the Constitution of the Republic of Mozambique, amendments to any law are proposed by:</p> <ul style="list-style-type: none"> <li>• parliamentarians;</li> <li>• parliamentary groups;</li> <li>• working committees of the parliament;</li> <li>• President of the Republic; and</li> <li>• government.</li> </ul>
<p><b>Drafting of electoral regulations:</b></p>		<p>Yes</p>

<p><b>Electoral disputes</b></p>	<p><b>Electoral dispute resolution mechanisms:</b></p>	<ol style="list-style-type: none"> <li>1. Irregularities that occur during the voting and in the partial, district or city, provincial and general and national count, may be appealed against, if they have been the subject of a complaint or protest.</li> <li>2. In addition to the complainant, the candidates and their agents and the political parties and groups of citizen voters may appeal against the decision on the complaint or protest.</li> <li>3. The appeal, which is not subject to any formality, shall be accompanied by elements of proof, witnesses, if there are any, a copy of the results sheet, and other relevant materials, and indicating the code number of the polling station where the irregularity took place, if that be the case.</li> <li>4. The appeal shall be made within 48 hours, counted from the posting of the notice which publishes the election results, to the law court in the district where the irregularity occurred, or to the Constitutional Council in cases of the general or national count.</li> <li>5. The district law court shall judge the appeal within 48 hours, and shall inform the National Elections Commission, the complainant and other interested parties of its decision.</li> <li>6. The decision of the district law court may be appealed to the Constitutional Council, within three days.</li> <li>7. The appeal mentioned in the previous paragraph shall enter the district law court which took the decision, and the court shall remit it to the Constitutional Council, by the most rapid means, within 24 hours.</li> </ol>
<p><b>Other issues:</b></p>		
<p><b>Secretariat</b></p>	<p><b>Administrative autonomy:</b></p>	<p>The EMB does have the power to create, promote or abolish staff posts.</p>
	<p><b>Women in senior positions:</b></p>	<p>Two of the 17 members of CNE are women; and five of the 12 senior staff in the Secretariat are women.</p>
	<p><b>Administrative structure:</b></p>	<p>CNE is structured into five Working Commissions: Electoral Operations; Legal and Deontological Affairs; Training and Voter Education; Administration and Finances; Internal and External Affairs. The Secretariat is structured into the chairperson office and departments: Planning and Documentation; Legal Affairs; Administration and Finances; and Communication and Marketing.</p>

Namibia

<b>Background</b>	<b>Name of EMB:</b>	Electoral Commission of Namibia (ECN)
	<b>Status:</b>	Permanent
	<b>Number of commissioners:</b>	Five
	<b>Number of full-time EMB staff:</b>	Forty-seven permanent employed; currently approximately 150 temporary staff.
	<b>Establishment of the EMB</b>	The Electoral Commission of Namibia is established in terms of Article 94B of the constitution. The powers and functions are provided for in the Electoral Act, Act No. 5 of 2014.
<b>EMB's mandate:</b>	<p>Exclusive authority to direct, supervise, manage and control the conduct of elections and referenda; and:</p> <ul style="list-style-type: none"> <li>• supervise, direct and control the registration of voters for the purposes of any election or referendum;</li> <li>• supervise the preparation, publication and maintenance of a national voters' register and local authority voters' register;</li> <li>• supervise, direct and control the registration of political parties and organisations;</li> <li>• supervise, direct and control the conduct of elections and referenda;</li> <li>• supervise, direct, control and promote voter and civic education in respect of elections and referenda, including co-operation with educational and other bodies or institutions with a view to the provision of instruction to or the training of persons in electoral and related matters;</li> <li>• supervise, direct and control electoral observers;</li> <li>• establish and maintain liaison and co-operation with political parties, the media and the public;</li> <li>• undertake and promote research into electoral matters;</li> <li>• develop and promote the development of electoral expertise and technology in all spheres of government;</li> </ul>	

	<ul style="list-style-type: none"> <li>• promote knowledge of sound and democratic electoral processes;</li> <li>• issue and enforce any code of conduct provided for in this act;</li> <li>• supervise and control the disclosure and dissemination of information regarding electoral matters and establish and maintain the necessary facilities for collecting and disseminating the information;</li> <li>• secure in the electoral and referenda processes the representation of the diverse social and cultural groups in Namibia and seek their co-operation;</li> <li>• create its own organisational structure, to allow its leadership to take full control of all its operations to strengthen areas where operational effectiveness is lacking; and</li> <li>• exercise and perform any other powers and functions conferred and imposed upon it by or under this act or any other law or which are necessary or expedient for the purposes of achieving the objects of this act or any other law.</li> </ul>	<ul style="list-style-type: none"> <li>• promote knowledge of sound and democratic electoral processes;</li> <li>• issue and enforce any code of conduct provided for in this act;</li> <li>• supervise and control the disclosure and dissemination of information regarding electoral matters and establish and maintain the necessary facilities for collecting and disseminating the information;</li> <li>• secure in the electoral and referenda processes the representation of the diverse social and cultural groups in Namibia and seek their co-operation;</li> <li>• create its own organisational structure, to allow its leadership to take full control of all its operations to strengthen areas where operational effectiveness is lacking; and</li> <li>• exercise and perform any other powers and functions conferred and imposed upon it by or under this act or any other law or which are necessary or expedient for the purposes of achieving the objects of this act or any other law.</li> </ul>
	<p><b>EMB model:</b></p>	<p>Independent</p>
<p><b>Appointment, tenure and removals</b></p>	<p><b>What standards are established in the constitution or other legislation for democratic legitimacy?</b></p> <p><b>Provisions for the appointment of commissioners:</b></p> <p><b>Political status of commissioners:</b></p> <p><b>Chair qualifications:</b></p> <p><b>Commissioner qualifications:</b></p>	<p>ECN shall be an independent, transparent and impartial body.</p> <p>The Electoral Act makes provision for the establishment, constitution and meetings of a Selection Committee. The Selection Committee recommends eight suitable candidates to the president. The president appoints, with the approval of the National Assembly, five candidates as commissioners. The commission appoints, subject to the Public Service Act, the chief electoral and referenda officer, directors and other staff members of the commission.</p> <p>Appointment is based on citizenship and qualifications with consideration for knowledge of legal and electoral matters, among others.</p> <p>None specified</p> <p>Tertiary qualification or L7 NQA qualification.</p>

	<p>Commissioners including the chairperson are appointed for a five-year term, which is renewable for one term.</p>
<p><b>Tenure of chair and commissioners:</b></p>	<p>The president may remove a member of the commission, with approval of the National Assembly, on the grounds that the member is guilty of neglect of duty or misconduct.</p>
<p><b>Provisions for the removal of commissioners:</b></p>	<p>The commission appoints in terms of the Public Service Act the chief electoral and referenda officer, directors and other staff as the ECN may consider necessary to assist the commission in the exercise and performance of its powers and functions.</p>
<p><b>Provisions for the appointment of EMB senior staff:</b></p>	<p>The chief electoral and referenda officer is appointed for a period of five years and is eligible for re-appointment, but must apply.</p>
<p><b>Tenure of EMB senior staff:</b></p>	<p>None specified</p>
<p><b>Provisions for the removal of EMB senior staff:</b></p>	
<p><b>Funding arrangements</b></p>	<p><b>Setting and control of EMB's budget:</b> The state is the primary source of funding for the EMB. The electoral and capital budget forms part of the annual national budget. The approach of compiling the budget follows and is bound by general public sector financial rules. ECN compiles its own budget; thereafter it is submitted to the Ministry of Finance. The Ministry of Finance conducts budget hearings, where the budget is discussed with ministries. It is subsequently submitted to parliament for approval. The ECN budget is tabled in parliament by the speaker of the National Assembly.</p>
<p><b>Financial autonomy:</b></p>	<p>The commission has no financial autonomy and is obliged to follow public service rules, as outlined in the State Finance Act and Treasury Instructions.</p>
<p><b>Legal provisions for financial autonomy:</b></p>	<p>None</p>
<p><b>Number of chambers/houses within the legislature:</b></p>	<p>Unicameral</p>
<p><b>Electoral system</b></p>	<p><b>Voting system:</b> Namibia uses the plurality system for presidential elections, where the winning candidate has to obtain more than 50 per cent of the valid votes cast. For National Assembly and local authority elections, the proportional representation system applies; and for regional councils, the majoritarian or first-past-the post electoral system is applicable.</p>

	<b>Amendments to electoral laws:</b>	The commission must after every election recommend possible amendments to the Electoral Act, which must be submitted to the speaker of the National Assembly. All amendments regarding the Electoral Act are submitted by the minister of urban and rural development on behalf of the Electoral Commission of Namibia. The commission has the power to make regulations.
	<b>Drafting of electoral regulations:</b>	The commission may make regulations that are necessary to be prescribed for the proper implementation or administration of the Election Act or in order to achieve the objects of the act. However, regulations that affect state expenditure are made in consultation with the minister responsible for finance.
<b>Electoral disputes</b>	<b>Electoral dispute resolution mechanisms:</b>	The Electoral Act provides for the establishment of Electoral Tribunals and the Electoral Court. Electoral Tribunals adjudicate and decide upon matters arising before polling day, e.g. inclusion or non-inclusion or any name in a provisional voters' register, issues relating to registered political parties, a complaint regarding any conduct in contravention of the act before election etc. The Electoral Court is a division of the High Court and will hear appeals and reviews against decisions of the Electoral Tribunals as well as the commission, and will adjudicate and decide any matter concerning any contravention of the act.
<b>Other issues:</b> <b>Secretariat</b>	<b>Administrative autonomy:</b> <b>Women in senior positions:</b> <b>Administrative structure:</b>	<p>Yes, the commission is empowered to create its own organisational structure.</p> <p>The Electoral Act provides that two of the five commissioners must be women. At the Secretariat level senior staff hold five positions, of which one is currently filled by a woman in a permanent capacity, while another position is vacant and a woman is acting in a temporary position.</p> <p>The Secretariat is headed by a chief electoral and referenda officer, who also acts as secretary for the commission. The Directorate of Operations is headed by a director and comprises two divisions responsible for registration and planning, and democracy building and voter education. The Division-General services comprise different subdivisions and sections responsible for information technology, internal audit, general services, personnel, finance and auxiliary services.</p>

Nauru

<p><b>Background</b></p>	<p><b>Name of EMB:</b>  <b>Status:</b>  <b>Number of commissioners:</b>  <b>Number of full-time EMB staff:</b></p>	<p>The Office of the Electoral Commissioner (Nauru) Permanent – as a result of the Electoral Act 2016                  One electoral commissioner, who is the chair of the commission. Two permanent deputy commissioners.                  Three</p>
<p><b>Establishment of the EMB</b></p>	<p><b>Constitutional and/or legislative provisions for establishment of the EMB:</b>  <b>EMB’s mandate:</b></p>	<p>Electoral Act 2016, Constitution of Nauru 1968 and Public Service Act 2016 (specifically Section 84 of the PSA).</p> <p><i>Functions of Electoral Commission:</i></p> <ol style="list-style-type: none"> <li>1. The Electoral Commission has the general duty, responsibility and authority to formulate policy, the registration of voters for the election of Members of Parliament and the conduct of elections in accordance with the Electoral Act 2016 including responsibility and authority with respect to the following matters:                         <ol style="list-style-type: none"> <li>a. registration and transfer of registration of voters;</li> <li>b. receipt and return of the writ of an election in accordance with Section 56;</li> <li>c. monitoring and enforcing compliance with this act;</li> <li>d. making regulations for the effective conduct of the elections;</li> <li>e. such other functions as are conferred upon it by any other written law.</li> </ol> </li> <li>2. The Electoral Commission must ensure that voter information and education programmes are established and implemented from time to time to assist voters in exercising their rights and for the effective conduct of the elections.</li> <li>3. The Electoral Commission shall have the authority to appoint, remove and take disciplinary action against any employee of the commission, and shall have the authority to determine all matters relating to the employment of all staff in the commission, including the:</li> </ol>

		<p>a. terms and conditions of employment;</p> <p>b. qualification requirements for appointment and the process to be followed for appointment, which must be an open, transparent and competitive selection process based on merit;</p> <p>c. salaries, benefits and allowances payable in accordance with the budget of the commission; and</p> <p>d. the total number of staff that are required to be appointed in accordance with the budget of the commission.</p> <p>4. In making appointments of any person to the commission, the electoral commissioner must ensure the independence, impartiality and integrity of the commission is upheld and maintained.</p> <p>5. In exercising his or her powers to remove or to take disciplinary action against any employee of the commission, the electoral commissioner must ensure that the process followed in the exercise of his or her powers is transparent and is in accordance with the Code of Conduct adopted by the commission.</p>
	<p><b>EMB model:</b></p> <p><b>What standards are established in the constitution or other legislation for democratic legitimacy?</b></p>	<p>Independent.</p> <p>The Constitution prescribes a parliament, the members and the electors, who are the citizens of Nauru who have attained the age of 20.</p> <p>The Electoral Act details the method of enrolment, including auto-enrolment from the Department of Births, Deaths and Marriages. The method of voting is full preferential and is counted using the Dowdall voting system, which is a decimalised modification of the Borda system.</p>
<p><b>Appointment, tenure and removals</b></p>	<p><b>Provisions for the appointment of commissioners:</b></p> <p><b>Political status of commissioners:</b></p> <p><b>Chair qualifications:</b></p>	<p>The electoral commissioner and the two deputies are appointed by the president, acting on advice from Cabinet for a period of four years.</p> <p>Appointments do not follow political lines.</p> <p>The chair, who is also the electoral commissioner, can be qualified as a Supreme Court judge or can be a person who has held senior leadership and management positions in Nauru or elsewhere.</p>
	<p><b>Commissioner qualifications:</b></p>	<p>As above.</p>

	<p><b>Tenure of chair and commissioners:</b></p> <p><b>Provisions for the removal of commissioners:</b></p>	<p>Four-year renewable term</p> <p>The electoral commissioner cannot be removed from office, except by a resolution of parliament approved by not less than two-thirds of the total number of members. The deputies can be removed from office by the president on the recommendation of the electoral commissioner.</p>
	<p><b>Provisions for the appointment of EMB senior staff:</b></p>	<p>The Electoral Commission can appoint staff within budget.</p>
	<p><b>Tenure of EMB senior staff:</b></p>	<p>There are no other staff prescribed within the Electoral Act.</p>
	<p><b>Provisions for the removal of EMB senior staff:</b></p>	<p>None specified</p>
<p><b>Funding arrangements</b></p>	<p><b>Setting and control of EMB's budget:</b></p>	<p>The budget is appropriated to the Electoral Commission. The commission intends to employ a budget officer.</p>
	<p><b>Financial autonomy:</b></p>	<p>Funds are appropriated from the government and then managed by the Electoral Commission.</p>
	<p><b>Legal provisions for financial autonomy:</b></p>	<p>There are no provisions in the Electoral Act for financial autonomy.</p>
<p><b>Electoral system</b></p>	<p><b>Number of chambers/ houses within the legislature:</b></p>	<p>Unicameral.</p>
	<p><b>Voting system:</b></p>	<p>The method of voting is full preferential and is counted using the Dowdall voting system, which is a decimalised modification of the Borda system. See Part 7 of the Electoral Act 2016 for details.</p>

	<b>Amendments to electoral laws:</b>	The Electoral Commission can propose and advise the government.
	<b>Drafting of electoral regulations:</b>	The Electoral Commission is required in the Electoral Act to draft regulations for the function of the election.
<b>Electoral disputes</b>	<b>Electoral dispute resolution mechanisms:</b>	No policy has yet been established for the conduct of elections. The Electoral Act provides for a Court of Disputed Returns for challenges to the outcome of the election.
<b>Other issues:</b>		
<b>Secretariat</b>	<b>Administrative autonomy:</b>	The commission can create and abolish positions for the conduct of elections.
	<b>Women in senior positions:</b>	Both deputies are women.
	<b>Administrative structure:</b>	The commission was only established in March 2016 – there are no departments at the moment.

New Zealand

<b>Background</b>	<b>Name of EMB:</b>	Electoral Commission, New Zealand
	<b>Status:</b>	Permanent
	<b>Number of commissioners:</b>	One chief electoral officer, one chairperson and one deputy chairperson.
	<b>Number of full-time EMB staff:</b>	Twenty-six full-time staff
<b>Establishment of the EMB</b>	<b>Constitutional and/or legislative provisions for establishment of the EMB:</b>	Established under Section 4B of the Electoral Act 1993 and is an independent crown entity under the Crown Entities Act 2004. Its substantive law is codified in the Electoral Act and the accompanying Electoral Regulations 1996.
	<b>EMB's mandate:</b>	<p>The objectives of the Electoral Commission are to administer the electoral system impartially, efficiently, effectively and in a way that:</p> <ol style="list-style-type: none"> <li>facilitates participation in parliamentary democracy;</li> <li>promotes understanding of the electoral system and associated matters; and</li> <li>maintains confidence in the administration of the electoral system.</li> </ol> <p>The functions of the Electoral Commission are to:</p> <ol style="list-style-type: none"> <li>carry the provisions of the Electoral Act 1993 into effect;</li> <li>carry out duties in relation to parliamentary election programmes that are prescribed by Part 6 of the Broadcasting Act 1989;</li> <li>promote public awareness of electoral matters by means of the conduct of education and information programmes or by other means;</li> <li>consider and report to the minister or to the House of Representatives on electoral matters referred to the Electoral Commission by the ministers or the House of Representatives;</li> <li>make available information to assist parties, candidates and others to meet their statutory obligations in respect of electoral matters administered by the Electoral Commission; and</li> <li>carry out any other functions or duties conferred on the Electoral Commission by or under any other enactment.</li> </ol>
	<b>EMB model:</b>	Independent

	<b>What standards are established in the constitution or other legislation for democratic legitimacy?</b>	None specified
<b>Appointment, tenure and removals</b>	<b>Provisions for the appointment of commissioners:</b>	Appointed by the Governor-General on the recommendation of the House of Representatives.
	<b>Political status of commissioners:</b>	Appointments are based on expertise, with consideration to the desirability of promoting diversity in the membership of Crown entities.
	<b>Chair qualifications:</b>	The chairperson is usually a retired judge, though this is not a legislative requirement.
	<b>Commissioner qualifications:</b>	None specified
	<b>Tenure of chair and commissioners:</b>	Commissioners are appointed for up to a five-year renewable term.
	<b>Provisions for the removal of commissioners:</b>	Commissioners may be removed by the Governor-General at any time for just cause, on the advice of the responsible minister given after consultation with the Attorney-General. 'Just cause' includes misconduct, inability to perform the functions of office, neglect of duty, and breach of any of the collective duties of the board or the individual duties of members.
	<b>Provisions for the appointment of EMB senior staff:</b>	None specified
	<b>Tenure of EMB senior staff:</b> <b>Provisions for the removal of EMB senior staff:</b>	None specified Senior staff members are subject to the commission's disciplinary process.

<p><b>Funding arrangements</b></p>	<p><b>Setting and control of EMB's budget:</b></p>	<p>The commission sets its annual budgets and manages expenditure to the extent that funding allows. Funding/appropriations are voted by parliament annually under the Public Finance Act. Eighty-five per cent of the commission's current funding needs for the three-year electoral cycle are covered by established and recurring appropriations, with the balance plus any initiatives requiring funding, subject to a funding bid/s prepared and submitted by the commission each three years.</p>
	<p><b>Financial autonomy:</b></p>	<p>There is limited financial autonomy. The commission is responsible for managing its financial activity, as long as it does so within the available funding and the requirements of the Public Finance Act and the Crown Entities Act. The Crown Entities Act requires the commission to prepare and submit to the minister and the House of Representatives a Statement of Intent, renewed at least every three years, and an annual Statement of Performance Expectations, which includes both performance indicators for the year and budgeted expenditure for the next four to seven years.</p>
	<p><b>Legal provisions for financial autonomy:</b></p>	<p>There is no specific legal provision related to financial autonomy, but there is a general statutory provision requiring the commission to act independently in performing its statutory functions and duties and exercising its statutory powers.</p>
	<p><b>Number of chambers/houses within the legislature:</b></p>	<p>Unicameral</p>
	<p><b>Voting system:</b></p>	<p>The House of Representatives is elected using the mixed member proportional representation (MMP) voting system.</p>
<p><b>Electoral system</b></p>	<p><b>Amendments to electoral laws:</b></p>	<p>Legislative authority is wholly vested in parliament, which can amend legislation by a simple majority. The exception is electoral law relating to the three-year term of parliament, the membership of the Representation Commission, the division of New Zealand into general electoral districts, the voting age and the method of voting. These elements of the electoral system can be amended only if the people in a referendum approve, or three-quarters of the Members of Parliament agree. The Electoral Commission participates in law making by recommending legislative change to parliament.</p>

	<b>Drafting of electoral regulations:</b>	No
<b>Electoral disputes</b>	<b>Electoral dispute resolution mechanisms:</b>	Judicial recourse to the District Court; election petition to the High Court or Court of Appeal.
<b>Other issues:</b>		
<b>Secretariat</b>	<b>Administrative autonomy:</b>	Yes
	<b>Women in senior positions:</b>	One of the three board members, and four of the six managers are women.
	<b>Administrative structure:</b>	Headed by the Electoral Commission Board, which comprises chief electoral officer, chairperson and deputy chairperson. There are the following directorates: <ul style="list-style-type: none"> <li>• Electoral Events</li> <li>• Information Technology</li> <li>• Electoral Policy</li> <li>• Communication and Education</li> <li>• Corporate Legal</li> <li>• Corporate Services Enrolment Services integrated into the organisation from 30 June 2016</li> </ul>

Nigeria

<b>Background</b>	<p><b>Name of EMB:</b> Independent National Electoral Commission (Nigeria)</p> <p><b>Status:</b> Permanent</p> <p><b>Number of commissioners:</b> 13</p> <p><b>Number of full-time EMB staff:</b> 16,500</p>
<b>Establishment of the EMB</b>	<p><b>Constitutional and/or legislative provisions for establishment of the EMB:</b> The Independent National Electoral Commission (INEC) is established by Article 153 of the Constitution (refer to the Electoral Act 2010).</p> <p><b>EMB's mandate:</b> The mandate of the Independent National Electoral Commission is:</p> <ol style="list-style-type: none"> <li>1. to conduct elections;</li> <li>2. registration of voters;</li> <li>3. delimitation of constituencies;</li> <li>4. registration and monitoring of political parties;</li> <li>5. to monitor political party campaigns and provide rules and regulations that govern political parties; and</li> <li>6. to ensure that all electoral commissioners subscribe to oath of office, as required by law.</li> </ol>
<b>Appointment, tenure and removals</b>	<p><b>EMB model:</b> Independent</p> <p><b>What standards are established in the constitution or other legislation for democratic legitimacy?</b></p> <ol style="list-style-type: none"> <li>1. The Constitution requires the commission to conduct elections to fill executive positions and the legislative.</li> <li>2. The provisions make it illegal to assume power, except as specified in the Constitution.</li> </ol> <p><b>Provisions for the appointment of commissioners:</b> Appointment of commissioners is by the president, subject to confirmation of the Senate.</p> <p><b>Political status of commissioners:</b> Non-partisan</p> <p><b>Chair qualifications:</b> The chairperson shall be at least 40 years of age, shall not be a member of any political party and shall be of unquestionable integrity.</p> <p><b>Commissioner qualifications:</b> Commissioners shall be at least 35 years of age, shall not be a member of any political party and shall be of unquestionable integrity.</p>

	<p><b>Tenure of chair and commissioners:</b> Five years, and may be re-appointed.</p> <p><b>Provisions for the removal of commissioners:</b> Commissioners may be removed by the president in the case of misconduct, but with the concurrence of the Senate.</p> <p><b>Provisions for the appointment of EMB senior staff:</b> EMB has the power to hire and retain staff through extant government regulations for employment.</p> <p><b>Tenure of EMB senior staff:</b> Staff of the EMB are permanent once appointed by the EMB.</p> <p><b>Provisions for the removal of EMB senior staff:</b> EMB senior staff are civil servants and are subject to applicable civil service rules, as implemented by the EMB.</p>
<b>Funding arrangements</b>	<p><b>Setting and control of EMB's budget:</b> The budget is set and controlled by the EMB, subject to approval and provisions by government.</p> <p><b>Financial autonomy:</b> Financial autonomy is subject to extant financial regulations of government.</p> <p><b>Legal provisions for financial autonomy:</b> Setting up of an EMB fund, to which all accruals are referred.</p>
<b>Electoral system</b>	<p><b>Number of chambers/houses within the legislature:</b> Bicameral</p> <p><b>Voting system:</b> First-past-the-post</p> <p><b>Amendments to electoral laws:</b> Amendments can be made by the executive, EMB and private members.</p> <p><b>Drafting of electoral regulations:</b> The EMB can draft and issue guidelines.</p> <p><b>Electoral dispute resolution mechanisms:</b> Dispute resolution is through courts and tribunals.</p>
<b>Other issues:</b>	
<b>Secretariat</b>	<p><b>Administrative autonomy:</b> Yes</p> <p><b>Women in senior positions:</b> The secretary to the commission and four directors are women.</p> <p><b>Administrative structure:</b> Main departments include:</p> <ol style="list-style-type: none"> <li>1. Legal Services</li> <li>2. Information and Communication Technology</li> <li>3. Electoral Operations</li> <li>4. Secretariat</li> <li>5. Finance</li> <li>6. Voter Registration</li> <li>7. Voter Education and Publicity</li> </ol>

## Papua New Guinea

<b>Background</b>	<b>Name of EMB:</b>	Papua New Guinea Electoral Commission (PNGEC)
	<b>Status:</b>	Permanent
<b>Establishment of the EMB</b>	<b>Number of commissioners:</b>	One commissioner and no chair.
	<b>Number of full-time EMB staff:</b>	200 permanent staff employed
	<b>Constitutional and/or legislative provisions for establishment of the EMB:</b>	The PNG Electoral Commission is established under the Constitution of PNG and the organic law on national and local-level government elections.
	<b>EMB's mandate:</b>	The responsibilities of the Papua New Guinea Electoral Commission are to: <ul style="list-style-type: none"> <li>• organise and conduct elections for the national, parliament and local-level governments, and for industrial organisations, as provided for under the constitution;</li> <li>• prepare and maintain an accurate electoral roll for the purposes of an election event;</li> <li>• educate and inform the community on electoral-related matters;</li> <li>• support the work of the Boundaries Commission.</li> </ul>
<b>Appointment, tenure and removals</b>	<b>EMB model:</b>	Independent
	<b>What standards are established in the constitution or other legislation for democratic legitimacy?</b>	With respect to the appointment of electoral commissioner, the Electoral Commission appoints a committee comprising the Prime Minister as chair and opposition as a member as well as three other members. The committee appoints the electoral commissioner.
	<b>Provisions for the appointment of commissioners:</b>	Appointments are based on experience, sound knowledge and the level of skills and qualifications, with consideration for regional, ethical and gender balance.
	<b>Political status of commissioner:</b>	He or she must not have any direct affiliation with any political parties.
	<b>Chair qualifications:</b>	The commissioner must be qualified to at least a minimum of master's degree level in management, business, law and/or public policy and management, with more than 15 years' experience in public administration.

	<b>Commissioner qualifications:</b>	The commissioner must be educated to at least master's degree level in management, business, law and/or public policy and management, with more than 15 years' experience in public administration.
	<b>Tenure of chair and commissioners:</b>	The commissioner is appointed for a six-year renewable term.
	<b>Provisions for the removal of commissioners:</b>	The commissioner can be removed by the Appointments Committee if he or she is found guilty of an indictable offence, for long-term absenteeism from office and not performing his/her functions, or in case of his/her death.
	<b>Provisions for the appointment of EMB senior staff:</b>	Senior staff of the PNG Electoral Commission are appointed by the Selection Committee, while the Department of Personnel Management also sits on the committee.
	<b>Tenure of EMB senior staff:</b>	The term for EMB staff is a three-year contract that is subject to renewal.
	<b>Provisions for the removal of EMB senior staff:</b>	Senior EMB staff can be removed if they die, or are found guilty of an indictable offence, under their employment contract.
<b>Funding arrangements</b>	<b>Setting and control of EMB's budget:</b>	The PNGEC submits the electoral budget. This is also controlled by the EMB – the PNG Electoral Commission.
	<b>Financial autonomy:</b>	The PNG electoral commissioner does not have financial autonomy or the authority to re-appropriate finance. Clearance from the Treasury is required under the Public Finance Management Act.
	<b>Legal provisions for financial autonomy:</b>	Even though the Election Act is designed with the intention of granting financial independence to the commission, the subsequent enactment of the Public Finance Management Act has denied the commission's financial independence and abilities to some degree.

<p><b>Electoral system</b></p>	<p><b>Number of chambers/houses within the legislature:</b>  <b>Voting system:</b>  <b>Amendments to electoral laws:</b></p>	<p>The PNG parliament is unicameral.</p> <p>Limited preferential voting (LPV) system.</p> <p>Any amendments to the organic law on national and local government elections can be proposed by the electoral commissioner to the National Executive Council (NEC). After the NEC approves the changes and amendments, written instructions to the draft amendments are given by the NEC to the First Legislative Council for drafting. Once the draft is completed, the proposed amendments are presented to parliament for approval.</p>
<p><b>Electoral disputes</b></p>	<p><b>Drafting of electoral regulations:</b>  <b>Electoral dispute resolution mechanisms:</b></p>	<p>PNGEC can propose changes in the regulations, but does not have the authority to approve such changes. All approvals of regulations go to the NEC.</p> <p>Disputes are settled at two levels: pre-poll disputes are determined by the commission and the courts of disputed returns deal with electoral disputes after polling.</p>
<p><b>Other issues:</b>  <b>Secretariat</b></p>	<p><b>Administrative autonomy:</b>  <b>Women in senior positions:</b>  <b>Administrative structure:</b></p>	<p>No, the EMB does not have the power to create, promote and abolish staff posts.</p> <p>Yes, the director of human resources, the director of information, communication and awareness, four operation managers, an election manager, and an assistant election manager are all women. Half the staff are female in the PNG Electoral Commission.</p> <p>The structure is vertical and like a pyramid, with one electoral commissioner and two deputy electoral commissioners; one is responsible for corporate services while one is responsible for election administration. There are six branches, with three of these under each of the deputy commissioners.</p>

## Rwanda

<b>Background</b>	<b>Name of EMB:</b>	National Electoral Commission (NEC), Rwanda
	<b>Status:</b>	Permanent
<b>Establishment of the EMB</b>	<b>Number of commissioners:</b>	Six commissioners and chairperson
	<b>Number of full-time EMB staff:</b>	Fifty permanent staff
	<b>Constitutional and/or legislative provisions for establishment of the EMB:</b>	It is established under Article 139 of the Constitution of the Republic of Rwanda of 2003, revised in 2015. Its structures are set up under the Law no. 31/2005 of 24 December 2005 relating to organisation and functioning of National Electoral Commission, as modified and completed to date.
	<b>EMB's mandate:</b>	<p>According to Article 3 of the Law no. 31/2005 of 24 December 2005 relating to the organisation and functioning of the National Electoral Commission, as modified and complemented to date, the commission is independent and it is responsible for preparing and organising grassroots', parliamentary and presidential elections, referendum and other elections the law may determine for the commission.</p> <p>The commission also verifies whether the elections are conducted in a free and transparent manner.</p> <p>Article 5 of this law stipulates that in preparing and organising elections, the commission shall:</p> <ol style="list-style-type: none"> <li>1. prepare, conduct and supervise elections;</li> <li>2. establish electoral constituencies;</li> <li>3. establish the commission branches in provinces and Kigali City, districts and sectors within a period not exceeding 45 days before polling day and appoint members of the Electoral College, give them instructions, receive their reports and supervise them during electoral process;</li> <li>4. prepare and provide civic education on elections;</li> <li>5. monitor, announce and publish in writing election results;</li> <li>6. put in place strategies to ensure elections are free and transparent;</li> <li>7. participate in elaboration of the draft laws governing elections that the commission is responsible for organising and conducting; and</li> <li>8. carry out any other electoral activities provided for by the law.</li> </ol> <p>The National Electoral Commission shall also collaborate with other institutions in preparing and providing civic education in general.</p>

	<p><b>EMB model:</b>  <b>What standards are established in the constitution or other legislation for democratic legitimacy?</b></p>	<p>Independent</p> <p>According to Article 1 of the Constitution of the Republic of Rwanda of 2003, revised in 2015, all power derives from Rwandans.</p> <p>In Article 2, all Rwandans, both men and women, fulfilling the requirements provided for by law, have the right to vote and to be elected.</p> <p>Article 10 in point 3 mentions the principle of equitable power sharing, while point 4 of the same article mentions the principle of equality of all Rwandans between men and women, which is affirmed by women occupying at least 30 per cent of positions in decision-making organs.</p>
<p><b>Appointment, tenure and removals</b></p>	<p><b>Provisions for the appointment of commissioners:</b></p> <p><b>Political status of commissioners:</b></p> <p><b>Chair qualifications:</b></p> <p><b>Commissioner qualifications:</b></p> <p><b>Tenure of chair and commissioners:</b></p> <p><b>Provisions for the removal of commissioners:</b></p> <p><b>Provisions for the appointment of EMB senior staff:</b></p> <p><b>Tenure of EMB senior staff:</b></p> <p><b>Provisions for the removal of EMB senior staff:</b></p>	<p>According to Article 8 of the Law no. 31/2005 of 24 December 2005 relating to the organisation and functioning of the National Electoral Commission, as modified and complemented to date, the government presents seven commissioners to the Senate, including the president and the vice president, for their approval.</p> <p>Appointments are based on expertise and gender balancing.</p> <p>Any</p> <p>At least two of the commissioners are required to be lawyers and at least 30 per cent shall be women.</p> <p>Commissioners and chair are appointed for five years, renewable only once by a Presidential Order.</p> <p>Commissioners are removed from office by a Presidential Order.</p> <p>The executive secretary of National Electoral Commission is appointed by an order of prime minister, after being approved by a Cabinet meeting.</p> <p>Any</p> <p>The executive secretary of National Electoral Commission is removed by a Cabinet meeting.</p>

<b>Funding arrangements</b>	<b>Setting and control of EMB's budget:</b>	Article 29 of the Law no. 31/2005 of 24 December 2005 relating to the organisation and functioning of the National Electoral Commission, as modified and complemented to date, stipulates that the recurrent budget reserved for daily activities of NEC and the special budget that is also used during elections are included in the state budget.
	<b>Financial autonomy:</b>	NEC has financial autonomy.
	<b>Legal provisions for financial autonomy:</b>	Article 3 of the Law no. 31/2005 of 24 December 2005 stipulates that the commission is independent.
<b>Electoral system</b>	<b>Number of chambers/houses within the legislature:</b>	Bicameral: Senate and Chamber of Deputies.
	<b>Voting system:</b>	Majoritarian (FPTP) for presidential elections, senators and local administrative authorities. Proportional representation (PR) for members of the Chamber of Deputies.
	<b>Amendments to electoral laws:</b>	The National Electoral Commission participates in elaboration of the draft laws governing elections that it is responsible for organising and conducting.
	<b>Drafting of electoral regulations:</b>	NEC has the authority to draft and to adopt electoral regulations.
<b>Electoral disputes</b>	<b>Electoral dispute resolution mechanisms:</b>	All disputes relating to presidential elections, legislative elections and referendum are settled exclusively by the Supreme Court. In the local administrative authorities elections at the village, cell and sector levels, any related process complaints are immediately lodged with the election supervisor at the level concerned. He or she settles such complaints publicly in front of the population. Decisions taken by the lower levels of the National Electoral Commission can be appealed to higher authorities according to their hierarchy. The final decision at the national level can be appealed against in a competent court.

<p><b>Other issues:</b></p>		
<p><b>Secretariat</b></p>	<p><b>Administrative autonomy:</b></p>	<p>The Ministry of Public Service and Labour has the power to create, promote or abolish staff posts.</p>
	<p><b>Women in senior positions:</b></p>	<p>At the Executive Secretariat level, one of three directors is a woman (33 per cent).</p>
	<p><b>Administrative structure:</b></p>	<p>There are three directorates:</p> <ul style="list-style-type: none"> <li>• General Directorate of Electoral Operations</li> <li>• Directorate of Finance and Administration</li> <li>• Directorate of ICT</li> </ul>
<p><b>Franchise</b></p>	<p><b>Restrictions on franchise:</b></p>	<p><i>Persons prohibited from registering on the voters' register and voting:</i></p> <ol style="list-style-type: none"> <li>1. a person who has been deprived of his/her right to vote by competent courts of law and has not been rehabilitated or has not been granted amnesty in accordance with law;</li> <li>2. a person definitively sentenced for homicide or manslaughter;</li> <li>3. a person definitively sentenced for the crime of genocide against the Tutsi or crimes against humanity;</li> <li>4. a person who confessed and pleaded guilty to the crime of genocide against the Tutsi and crimes against humanity;</li> <li>5. a person who was convicted of defilement;</li> <li>6. a person who was convicted of rape;</li> <li>7. a prisoner; and</li> <li>8. a refugee.</li> </ol>

## Saint Lucia

<b>Background</b>	<b>Name of EMB:</b>	Saint Lucia Electoral Commission
	<b>Status:</b>	Permanent
<b>Establishment of the EMB</b>	<b>Number of commissioners:</b>	Three commissioners
	<b>Number of full-time EMB staff:</b>	Seventy-two staff, permanently employed.
	<b>Constitutional and/or legislative provisions for establishment of the EMB:</b>	The Electoral Commission is protected under the Saint Lucia Constitution, which gives the commission the authority to regulate its operations and to ensure that there is no interference from political operators.
	<b>EMB's mandate:</b>	<p>Responsible for conducting or supervising referenda and elections to any elective body or office established by the constitution, and any other elections as prescribed by an act of parliament and, in particular, for:</p> <ul style="list-style-type: none"> <li>• the continuous registration of citizens as voters;</li> <li>• the regular revision of the voters' list;</li> <li>• the regulation of the process by which parties nominate candidates for elections;</li> <li>• the settlement of electoral disputes, including disputes relating to or arising from nominations, but excluding petitions and disputes subsequent to the declaration of election results;</li> <li>• voter education;</li> <li>• the facilitation of the observation, monitoring and evaluation of elections;</li> <li>• to ensure compliance with the Elections Act in relation to nomination of candidates and all electoral matters.</li> </ul>
	<b>EMB model:</b>	Independent

<p><b>Appointment, tenure and removals</b></p>	<p><b>Provisions for the appointment of commissioners and senior staff:</b></p>	<p>Commissioners are appointed on the basis of one recommendation from the leader of the opposition, one by the prime minister and the chairperson, appointed by the Governor-General of his or her own volition. All other appointments are carried out by the Electoral Commission, with the exception of the chief elections officer, where the commission makes a recommendation to the Governor-General after that person has been interviewed by the commission.</p>
<p><b>Political status:</b></p>	<p><b>Chair/commissioner qualifications:</b></p>	<p>Totally independent The chairperson must be qualified to hold office as a Supreme Court judge, i.e. he or she must be a judge, lawyer or academic in the legal field of not less than 15 years' standing.</p>
<p><b>Tenure of commissioners and senior staff:</b></p>	<p><b>Provisions for the removal of commissioners and senior staff:</b></p>	<p>Commissioners are appointed for a five-year renewable term or until the first sitting of parliament after a general election. Commissioners can only be removed by the Governor-General on a recommendation by a tribunal established for the purpose, and only on five grounds: serious violation of the constitution, gross misconduct, physical or mental incapacity, incompetence or bankruptcy. Senior staff are subject to the commission's disciplinary process, set out under the Elections Act.</p>
<p><b>Funding arrangements</b></p>	<p><b>Setting and control of EMB's budget:</b></p>	<p>Whereas the EMB presents a budget estimate to the Office of The Prime Minister, it has no control over the allocations or disbursements. All payments are made by the Treasury.</p>
<p><b>Electoral system</b></p>	<p><b>Financial autonomy:</b> <b>Legal provisions for financial autonomy:</b> <b>Number of chambers/houses within the legislature:</b> <b>Voting system:</b> <b>Amendments to electoral laws:</b></p>	<p>Clearance from the Treasury is required under the Public Finance Management Act. None specified Bicameral Mixed member The legislative authority is wholly vested in parliament, with the limited exception that the commission can make regulations, although these still have to be adopted by parliament. The commission participates in law making, just like any other body.</p>

	<b>Drafting of electoral regulations:</b>	The EMB does have the authority to draft and adopt electoral regulations, which are forwarded to parliament for adoption.
<b>Electoral disputes</b>	<b>Electoral dispute resolution mechanisms:</b>	Disputes are settled at two stages: pre-poll disputes are determined by the commission and the courts, while post-poll disputes are the exclusive mandate of the judiciary.
<b>Other issues:</b>		
<b>Secretariat</b>	<b>Administrative autonomy:</b>	The EMB does have the power to create, promote or abolish staff posts.
	<b>Women in senior positions:</b>	The EMB has two female commissioners and five other women as heads of department.
	<b>Structure:</b>	The commissioners are the policy organ of the commission. The Secretariat is headed by a CEO (who is also the commission secretary), who is assisted by one deputy – in charge of operations. There are three directorates: Administration Section (including the Civic & Voter Education Unit); the Registration Section (including the Data Control Unit and Filing/ Verification Unit), and the Management Information Systems (MIS) Unit.

Samoa

<b>Background</b>	<b>Name of EMB:</b>	Office of the Electoral Commissioner (Samoa)
	<b>Status:</b>	Permanent
	<b>Number of commissioners:</b>	One commissioner
	<b>Number of full-time EMB staff:</b>	Forty
	<b>Constitutional and/or legislative provisions for establishment of the EMB:</b>	It was established under the Electoral Amendment Act, 2005.
<b>EMB's mandate:</b>	<ol style="list-style-type: none"> <li>1. The commissioner has the following responsibilities, functions and duties:             <ol style="list-style-type: none"> <li>a. to exercise the responsibilities, functions, duties and powers given to the commissioner under the Electoral Act 1963 and any applicable law;</li> <li>b. to advise the Head of State, the Legislative Assembly and a Committee of the Legislative Assembly (through the speaker), the government and the minister concerning Samoa's electoral system, policies and laws;</li> <li>c. to provide reasonable and appropriate assistance and advice to the speaker, members, the clerk of the Legislative Assembly, candidates and persons declaring an intention to become a candidate as to their compliance with the Electoral Act 1963 Act and any applicable law;</li> <li>d. upon written direction from the Legislative Assembly (through the speaker) or Cabinet (through the minister) or the minister or by the commissioner's own determination, to initiate, sponsor, carry out and publish studies and research on Samoa's electoral system and laws;</li> <li>e. to undertake public awareness and education programmes concerning Samoa's electoral system and laws;</li> <li>f. within six months of the end of each financial year, to prepare and provide to the minister an annual report on the work of the office of the commissioner, such report to include financial statements and accounts;</li> <li>g. within six months from the date of each general election and each by-election to prepare and provide to the speaker a report on the conduct and result of such election;</li> </ol> </li> </ol>	

<p>h. to provide, in cases approved by Cabinet, assistance in matters relating to elections and referendums (including the secondment of personnel and the supply or loan of materials) to authorities of foreign countries and international and regional organisations;</p> <p>i. to determine issues of eligibility of electors and voters and candidates, and other complex issues in a timely manner prior to the closing of rolls or immediately prior to polling day;</p> <p>j. to perform such other responsibilities, functions, duties and powers conferred on the commissioner under any other law.</p> <p>2. Upon receipt of a report under: (a) subsection (1)(f), the minister shall lay the report before the Legislative Assembly forthwith; (b) subsection (1)(g), the speaker shall lay the report before the Legislative Assembly forthwith.</p> <p>3. The Commissioner shall have the power to exercise all of the responsibilities, functions and duties conferred by this act and any applicable law.</p>		
<p><b>EMB model:</b></p>	<p>Government-controlled</p>	
<p><b>What standards are established in the constitution or other legislation for democratic legitimacy?</b></p>	<p>None specified</p>	
<p><b>Appointment, tenure and removals</b></p>	<p><b>Provisions for the appointment of commissioners:</b></p>	<p>First the EMB has to advertise the position. Then interviews are carried out with a three-member panel chaired by the Public Service Commission. This panel then makes a recommendation to Cabinet, which makes the final decision of the appointment.</p>
	<p><b>Political status of commissioners:</b></p>	<p>Based on merit.</p>
	<p><b>Chair qualifications:</b></p>	<p>The EMB does not have a chair.</p>

	<p><b>Commissioner qualifications:</b></p> <p>Based on experience and merit.</p>
	<p><b>Tenure of chair and commissioners:</b></p> <p>Three years</p>
	<p><b>Provisions for the removal of commissioners:</b></p> <p>Public Service Commission can recommend to Cabinet, then Cabinet will decide. However, it needs to get approval from the Head of State.</p>
	<p><b>Provisions for the appointment of EMB senior staff:</b></p> <p>For contract staff, the Public Service Commission (PSC) appoints EMB senior staff through interviews. The EMB appoints lower-level staff. Every position has to go through the same process: advertisement, then interviews.</p>
	<p><b>Tenure of EMB senior staff:</b></p> <p>For contract staff, tenure is three years. Then they have to go through the same process.</p>
	<p><b>Provisions for the removal of EMB senior staff:</b></p> <p>The Electoral Commission has the power to recommend to the Public Service Commission for the removal of any staff. Then the PSC will decide if this is legal or not and for what reasons. The commissioner cannot just fire a staff member; he or she has to go through the correct process and there are guidelines to be followed.</p>
<p><b>Funding arrangements</b></p>	<p>The EMB sets the budget and the Treasury decides on it.</p>
	<p><b>Financial autonomy:</b></p> <p>The EMB has financial autonomy with what is approved, but there are certain cases that need authorisation from the Treasury.</p>
	<p><b>Legal provisions for financial autonomy:</b></p> <p>Public Finance Management Act</p>
<p><b>Electoral system</b></p>	<p>Unicameral</p>
	<p><b>Voting system:</b></p> <p>First-past-the-post</p>
	<p><b>Amendments to electoral laws:</b></p> <p>The EMB can propose amendments; there is also a Commission of Inquiry after every election, which can recommend changes. However, every change needs to be approved by Cabinet before it goes to parliament for first reading. It is then passed to a Parliament Select Committee to research and consult, before it goes back to parliament for the final reading and for it to become law.</p>
	<p><b>Drafting of electoral regulations:</b></p> <p>The EMB has the authority to draft regulations.</p>

<b>Electoral disputes</b>	<b>Electoral dispute resolution mechanisms:</b>	There are petitions: for example, the recent election had six petitions. After declaration of results, members are then given ten working days to file their petitions. Only a running candidate can file a petition against the winning member, given that he or she polled 50 per cent of the votes polled by the winning candidate.
<b>Other issues:</b>		
<b>Secretariat</b>	<b>Administrative autonomy:</b>	The EMB does have the power to create, promote or abolish staff posts, but it has to get approval from the PSC.
	<b>Women in senior positions:</b>	There is one woman in a contract position, two principals and three women in senior positions.
	<b>Administrative structure:</b>	There is one commissioner and six divisions, all headed by contract officers. These include Registration, Returning, Legal, IT and Corporate Divisions.

# Seychelles

<b>Background</b>	<b>Name of EMB:</b>	Seychelles Electoral Commission
	<b>Status:</b>	Permanent
<b>Establishment of the EMB</b>	<b>Number of commissioners:</b>	Five
	<b>Number of full-time EMB staff:</b>	Seventeen permanent staff; about 600 during elections.
	<b>Constitutional and/or legislative provisions for establishment of the EMB:</b>	The Constitution of The Republic Of Seychelles includes: <ul style="list-style-type: none"> <li>• Chapter VII – electoral areas, franchise and Electoral Commission</li> <li>• Articles 113–118</li> <li>• Elections Act-Cap 68a</li> <li>• Political Parties (Registration and Regulation) Act-Cap 173</li> </ul>
	<b>EMB’s mandate:</b>	The Electoral Commission: <ol style="list-style-type: none"> <li>a. shall be responsible for the conduct and supervision of the registration of voters and of elections and referenda under this constitution;</li> <li>b. shall keep under continuous review the number and boundaries of the electoral areas into which Mahe and Praslin are divided having regard to Article 112(3);</li> <li>c. shall keep under continuous review the practices and working, including such matters as finance, broadcast and advertising, of political campaigns in respect of elections and referenda under this constitution;</li> <li>d. shall be responsible for the registration of political parties;</li> <li>e. shall review existing legislation governing electoral matters and make recommendations to the government;</li> <li>f. shall have such other functions as may be prescribed by or under this constitution or an act.</li> </ol>
<b>What standards are established in the constitution or other legislation for democratic legitimacy?</b>	<b>EMB model:</b>	Independent
		International best practices

<p><b>Appointment, tenure and removals</b></p>	<p><b>Provisions for the appointment of commissioners:</b></p>	<p>The post of member of the Electoral Commission is advertised. Interested candidates apply and submit their CV to the Constitutional Appointments Authority. The commission consists of a chairperson and four members, all of whom are appointed by the president, selected from seven candidates of proven integrity and high repute, proposed by the Constitutional Appointments Authority, constituted under Article 139 of the constitution. None – see above.</p>
<p><b>Political status of commissioners:</b></p>	<p><b>Chair qualifications:</b></p>	<p>The chair: a. must be a registered voter; and b. the person must not be a candidate of an election under the constitution and not the president, vice-president, minister or a member of the National Assembly, and not an executive office bearer of a political party. ** See above **</p>
<p><b>Commissioner qualifications:</b></p>	<p><b>Tenure of chair and commissioners:</b></p>	<p>Maximum seven years per term and renewable</p>
<p><b>Provisions for the removal of commissioners:</b></p>	<p><b>Provisions for the removal of commissioners:</b></p>	<p>1. Where the Constitutional Appointments Authority considers that the question of removing any officer to whom this article applies ought to be investigated: a. the Authority shall appoint a tribunal consisting of a president and not less than two other members all selected from among persons who hold or have held office as a judge of a court having unlimited original jurisdiction or a court having jurisdiction in appeals from such a court or are eminent jurists of proven integrity; and b. the tribunal shall inquire into the matter, report on the facts thereof and recommend to the president whether or not the officer ought to be removed from office. 2. Where under clause (3), a tribunal recommends that an officer to whom this article applies ought to be removed from office, the president shall remove the officer from office.</p>

		<p>3. Where under this article the question of removing an officer to whom the article applies has been referred to a tribunal, the president may suspend the officer from performing the functions of the office, but the suspension shall cease to have effect if the tribunal recommends to the president that the officer ought not to be removed from office.</p> <p>By the chair, through resolution by approval from the commission.</p> <p>No limits</p> <p>By the chair, through resolution by approval from the commission.</p> <p>The chair administers the budget after approval by the commission.</p> <p>Funds are allocated from consolidated funds.</p> <p>See above.</p> <p>Unicameral</p> <p>National Assembly: FPTP - semi PR. Presidential: more than 50 per cent of valid votes.</p> <p>By the Electoral Commission.</p> <p>No – drafting is carried out by the Attorney-General's office.</p> <p>Through the courts.</p>
	<p><b>Provisions for the appointment of EMB senior staff:</b></p> <p><b>Tenure of EMB senior staff:</b></p> <p><b>Provisions for the removal of EMB senior staff:</b></p> <p><b>Setting and control of EMB's budget:</b></p> <p><b>Financial autonomy:</b></p> <p><b>Legal provisions for financial autonomy:</b></p> <p><b>Number of chambers/houses within the legislature:</b></p> <p><b>Voting system:</b></p> <p><b>Amendments to electoral laws:</b></p> <p><b>Drafting of electoral regulations:</b></p> <p><b>Electoral dispute resolution mechanisms:</b></p>	
<p><b>Other issues:</b></p> <p><b>Secretariat</b></p>	<p><b>Administrative autonomy:</b></p> <p><b>Women in senior positions:</b></p> <p><b>Administrative structure:</b></p>	<p>Yes</p> <p>About 75 per cent of electoral staff are women.</p> <p>The Electoral Commission is responsible for policy decisions. Departments: Registration of Voters; Registration of Political Parties; Boundaries Delimitation; Electoral Reforms and Elections and Referenda.</p>

## Sierra Leone

<b>Background</b>	<b>Name of EMB:</b>	National Electoral Commission, Sierra Leone
	<b>Status:</b>	Permanent
<b>Establishment of the EMB</b>	<b>Number of commissioners:</b>	Four electoral commissioners and the chief electoral commissioner (CEC)/chair.
	<b>Number of full-time EMB staff:</b>	182 staff; permanently employed.
	<b>Constitutional and/or legislative provisions for establishment of the EMB:</b>	Section 32 of the 1991 Constitution of Sierra Leone (Act No. 6); and Section 2 of the Public Elections Act (PEA) (2012) make provision for the setting up of the NEC as an independent body and the sole electoral authority of Sierra Leone.
	<b>EMB's mandate:</b>	The National Electoral Commission's mandate is to: conduct all public elections and referenda; register voters; demarcate constituency and ward boundaries; and to make regulations and codes of conduct for the efficient performance of its functions.
<b>Appointment, tenure and removals</b>	<b>EMB model:</b>	Independent
	<b>What standards are established in the constitution or other legislation for democratic legitimacy?</b>	Section 32 (1.1) of the Constitution of Sierra Leone (Act No. 6), 1991, clearly establishes the independence of the commission in the performance of its functions as follows: <i>in the exercise of any functions vested in it by this Constitution, the Electoral Commission shall not be subject to the direction or control of any person or authority.</i> The laws in Sierra Leone are very clear on the legitimacy of the EMB in the execution of its functions as embedded in the constitution, Public Elections Act (2012) and other rules and regulations.
	<b>Provisions for the appointment of commissioners:</b>	The President of the Republic of Sierra Leone appoints the CEC/chair and other electoral commissioners, after consultation with leaders of registered political parties, screening and approval by parliament (the legislative body in Sierra Leone).
	<b>Political status of commissioners:</b>	CEC/chair and electoral commissioners are appointed on the basis of proven integrity, professionalism, competence and experience in elections management.
	<b>Chair qualifications:</b>	Proven integrity, qualification (a first degree and better), professional experience, credibility, trust and transparency.

	<p><b>Commissioner qualifications:</b></p> <p><b>Tenure of chair and commissioners:</b></p> <p><b>Provisions for the removal of commissioners:</b></p> <p><b>Provisions for the appointment of EMB senior staff:</b></p> <p><b>Tenure of EMB senior staff:</b></p> <p><b>Provisions for the removal of EMB senior staff:</b></p> <p><b>Setting and control of EMB's budget:</b></p> <p><b>Financial autonomy:</b></p> <p><b>Legal provisions for financial autonomy:</b></p>	<p>Proven integrity, qualification (a first degree and better), professional experience, credibility, trust and transparency.</p> <p>The tenure of the office of all commissioners is five years and their terms and conditions of service are prescribed by parliament. The terms are renewable.</p> <p>Section 3 of the PEA (2012) states that an electoral commissioner may resign the office by written notice addressed to the president. Section 5 further states that a member of the commission may be removed from office by the president for inability to discharge the functions of the office, whether arising from infirmity of mind or body or any other cause, or for gross misconduct.</p> <p>Senior staff of the EMB are appointed in line with Standard Operational Procedures (SOPs) and Standing Orders on Appointment of staff; they are also appointed subject to the terms and conditions that the commission may determine: (Section 9 (2) of the PEA (2012).</p> <p>The tenure of the EMB's senior staff is open; that is, permanent, except by resignation, retirement or death.</p> <p>Senior staff of the EMB may be removed from office when found culpable of violating rules and regulations as contained in Standing Orders A and B of the commission; or due to gross misconduct.</p> <p>Setting and control of the budget is through: the Government of Sierra Leone; donor support through the UN Development Programme (UNDP) control basket fund; also in line with financial regulations, as contained in Financial Standing Order C.</p> <p>The commission, as a subvented institution, has financial autonomy in the use of its yearly budgetary allocation, further divided into four quarters. It has the right to re-appropriate its allocated funds in meeting pressing administrative and operational needs for elections.</p> <p>Section 10 of the PEA (2012), which states that administrative and other expenses of the commission – including salaries, allowances, gratuities and pensions of the members and staff of the commission – shall be a charge on the Consolidated Fund; provisions are contained in Financial Standing Order C.</p>
<p><b>Funding arrangements</b></p>		

<p><b>Electoral system</b></p>	<p><b>Number of chambers/houses within the legislature:</b>  <b>Voting system:</b>  <b>Amendments to electoral laws:</b></p>	<p>Unicameral</p> <p>Majoritarian, single member, first-past-the-post (FPTP).</p> <p>The Electoral Commission can propose amendments to electoral laws through the Office of the Attorney-General and Minister of Justice for onward presentation and approval by parliament. The commission has legal retainers who advise the commission on the reformed laws, discussed by management, approved by the commission and reviewed by the Law Reform Commission, before submission to the Office of the Attorney-General and Minister of Justice.</p> <p>Yes, the NEC can make recommendations which are submitted to NEC legal retainers, among whom is a legal drafter.</p> <p>Dispute resolution takes place through engagement with political parties and other stakeholders through Political Parties Liaison Committees (PPLC) meetings at the national and districts levels. Electoral disputes may be resolved in courts of arbitration on petition cases over conduct of elections like parliamentary and paramount chieftain elections.</p>
<p><b>Other issues:</b></p> <p><b>Secretariat</b></p>	<p><b>Administrative autonomy:</b>  <b>Women in senior positions:</b>  <b>Administrative structure:</b></p>	<p>Yes, the EMB does have the power to create, promote or abolish staff posts.</p> <p>At commission level, two of the five commissioners are women, while at the secretarial level, out of the eight senior-level staff only one is a woman.</p> <p>The commissioners are the policy organ of the commission. The Secretariat is headed by the executive secretary (who is also the commission secretary), assisted by the assistant to the executive secretary.</p> <p>There are eight directorates:</p> <ol style="list-style-type: none"> <li>1. Administration</li> <li>2. Finance</li> <li>3. Operations</li> <li>4. Training and Outreach</li> <li>5. Human Resource, Gender and Disability</li> <li>6. Information Technology and Voters Roll</li> <li>7. Internal Audit</li> <li>8. Legal Affairs, Research and Documentation</li> </ol> <p>Note: additional approved directorates that are yet to function include: Media and External Relations; and Research, Monitoring and Evaluation.</p>

Singapore

<b>Background</b>	<b>Name of EMB:</b>	Elections Department of Singapore (ELD)
	<b>Status:</b>	Permanent
	<b>Number of commissioners:</b>	None specified
	<b>Number of full-time EMB staff:</b>	28 civil servants
<b>Establishment of the EMB</b>	<b>Constitutional and/or legislative provisions for establishment of the EMB:</b>	None specified
	<b>EMB's mandate:</b>	<p>ELD has the responsibility of planning and preparing for, and managing the conduct of, presidential and parliamentary elections and of any national referendum in Singapore. The department has under its purview the Registry of Political Donations (RPD). The RPD administers the Political Donations Act, the objective of which is to prevent foreign interference in the domestic politics of Singapore through funding. ELD's work extends beyond the period of elections. Between elections, ELD must ensure that the registers of electors are up-to-date, so as to be ready for any election called at any time. ELD develops and maintains voter information programmes to promote public understanding and awareness of Singapore's electoral system and voting processes. Its responsibilities include:</p> <ul style="list-style-type: none"> <li>• training of election officials;</li> <li>• maintaining and updating the registers of electors;</li> <li>• planning for election staff, premises, logistical and other related requirements for the conduct of elections;</li> <li>• informing the public about the electoral system and voting processes;</li> <li>• ensuring all electors have access to the electoral system and voting processes;</li> <li>• administering the Political Donations Act and campaign spending rules; and</li> <li>• providing secretarial service to any appointed committee responsible for recommending changes to electoral boundaries.</li> </ul>
	<b>EMB model:</b>	ELD is a department under the Prime Minister's Office (PMO).

	<b>What standards are established in the constitution or other legislation for democratic legitimacy?</b>	None specified
<b>Appointment, tenure and removals</b>	<b>Provisions for the appointment of commissioners:</b>	None specified
	<b>Political status of commissioners:</b>	None specified
	<b>Chair qualifications:</b>	None specified
	<b>Commissioner qualifications:</b>	None specified
	<b>Tenure of chair and commissioners:</b>	None specified
	<b>Provisions for the removal of commissioners:</b>	None specified
	<b>Provisions for the appointment of EMB senior staff:</b>	None specified
	<b>Tenure of EMB senior staff:</b>	None specified
	<b>Provisions for the removal of EMB senior staff:</b>	None specified
	<b>Setting and control of EMB's budget:</b>	Funded as a government department.
<b>Funding arrangements</b>	<b>Financial autonomy:</b>	None specified
	<b>Legal provisions for financial autonomy:</b>	None specified
<b>Electoral system</b>	<b>Number of chambers/houses within the legislature:</b>	Unicameral.
	<b>Voting system:</b>	First-past-the-post (FPTP)
	<b>Amendments to electoral laws:</b>	Power to make and amend laws lies with parliament.
	<b>Drafting of electoral regulations:</b>	The EMB works like other government departments in proposing changes to laws.
	<b>Electoral dispute resolution mechanisms:</b>	Provisions are covered in election legislation, namely the Parliamentary Elections Act and Presidential Elections Act.
<b>Other issues:</b>		
<b>Secretariat</b>	<b>Administrative autonomy:</b>	ELD functions like other government departments.
	<b>Women in senior positions:</b>	None specified
	<b>Administrative structure:</b>	None specified

## Solomon Islands

<p><b>Background</b></p>	<p><b>Name of EMB:</b>  <b>Status:</b></p>	<p>Solomon Islands Electoral Commission                  Permanent</p>
<p><b>Establishment of the EMB</b></p>	<p><b>Number of commissioners:</b>  <b>Number of full-time EMB staff:</b>  <b>Constitutional and/or legislative provisions for establishment of the EMB:</b></p>	<p>Three commissioners, including the chairperson.                  The Office of the Solomon Islands Electoral Commission, comprising 12 permanent staff, is the Secretariat arm to the commission.                  The Electoral Commission is established under Section 57 of the Solomon Islands Constitution. The Office of the Solomon Islands Electoral Commission (OSIEC), as headed by a chief electoral officer, is the administrative arm to the commission and is set up under the provisions of the Public Service Act and Regulations. The Electoral Law, the National Parliament (Electoral) Provisions Act, is the substantive law that codifies the elections.</p>
<p><b>EMB's mandate:</b></p>	<p><b>EMB's mandate:</b></p>	<p><i>Functions of the Electoral Commission:</i></p> <ol style="list-style-type: none"> <li><i>The Electoral Commission shall have general responsibility for, and shall supervise, the registration of electors for the election of Members of Parliament and the conduct of elections of such members and the commission shall have such powers and other functions relating to such registration and such elections as may be prescribed.</i></li> <li><i>Every proposed Bill and every proposed regulation or other instrument having the force of law relating to the registration of electors for the election of Members of Parliament or to the election of such members shall be referred to the Electoral Commission at such time as shall give them sufficient opportunity to make comments thereon before the Bill is introduced in parliament or, as the case may be, the regulation or other instrument is made.</i></li> <li><i>The Electoral Commission may make such reports to the Governor-General concerning the matters under their supervision, or any draft Bill or instrument that is referred to them, as they may think fit, and if the commission so request in any such report other than a report on a draft Bill or instrument that report shall be laid before parliament.</i></li> </ol>

	<b>EMB model:</b>	Mixed
	<b>What standards are established in the constitution or other legislation for democratic legitimacy?</b>	None specified
<b>Appointment, tenure and removals</b>	<b>Provisions for the appointment of commissioners:</b>	With respect to commissioners, the chief electoral officer endorses to the Legal and Judicial Commission proposed applications for commissioner; thereafter applicants are interviewed and appointed. The Governor-General then holds the appointment as made in the Gazette.
	<b>Political status of commissioners:</b>	Mixed system.
	<b>Chair qualifications:</b>	Any current speaker to parliament.
	<b>Commissioner qualifications:</b>	Seniority
	<b>Tenure of chair and commissioners:</b>	Four years
	<b>Provisions for the removal of commissioners:</b>	None specified
	<b>Provisions for the appointment of EMB senior staff:</b>	Recruitment and appointment of EMB staff is carried out through the Public Service Act and Regulations.
	<b>Tenure of EMB senior staff:</b>	None specified
	<b>Provisions for the removal of EMB senior staff:</b>	Disqualifications and removal are also carried out by the Public Service.
<b>Funding arrangements</b>	<b>Setting and control of EMB's budget:</b>	The Office of the Solomon Islands Electoral Commission administratively sets up its budget through the Ministry of Home Affairs and the Ministry of Finance. Funds are also set up by and through donor partners.
	<b>Financial autonomy:</b>	No, clearance must be sought from the Ministry of Home Affairs and the Ministry of Finance (the Public Finance Act).
	<b>Legal provisions for financial autonomy:</b>	Financial autonomy is non-existent. The OSIEC is subjected to follow the Public Finance Act.

<p><b>Electoral system</b></p>	<p><b>Number of chambers/houses within the legislature:</b> <b>Voting system:</b></p>	<p>Unicameral</p>
	<p><b>Amendments to electoral laws:</b> <b>Drafting of electoral regulations:</b></p>	<p>The unicameral (one house) parliament of the Solomon Islands consists of 50 electoral constituencies. One member is elected for each constituency under a first-past-the-post voting system. That is, a candidate will be successfully elected when he or she secures a simple majority of the votes (i.e. the most votes). To vote in a constituency, a person must be registered as an elector for that constituency. Registered electors may only vote at the polling station assigned to them by the returning officer. After receiving a ballot paper from the presiding officer at their respective polling station, the elector must retire to a voting screen, mark one box on the ballot paper corresponding to the candidate of their choice, and insert the marked ballot paper into the ballot box prior to leaving the polling station. The Electoral Commission administers the electoral system through the Office of the Electoral Commission, electoral managers, returning officers, presiding officers and other electoral support staff. The authority is vested in parliament, with the exception of enacting electoral regulations (although Parliament still has to adopt). The Electoral Commission participates in reforms and law-making processes. Yes. Unlike amending the Electoral Act, the regulations are drafted and signed by the minister responsible. All drafting of electoral laws is carried out through and with the Attorney-General's Chambers.</p>
<p><b>Electoral disputes</b></p>	<p><b>Electoral dispute resolution mechanisms:</b></p>	<p>All electoral disputes are resolved post-poll, by way of petition through the High Court of Solomon Islands.</p>

<p><b>Other issues:</b></p> <p><b>Secretariat</b></p>	<p><b>Administrative autonomy:</b> Yes, the EMB does have the power to create, promote or abolish staff posts.</p> <p><b>Women in senior positions:</b> At the commission level, of the three commissioners, one is a woman. At the Secretariat, two of the five senior-level posts are held by women.</p> <p><b>Administrative structure:</b> The commissioners are at the policy level of the overall structure. The Secretariat/office is the administrative arm, headed by the chief electoral officer. The commission is structured according to operations and corporate services. There are seven units:  <ol style="list-style-type: none"> <li>1. Voter Registration and Electoral Operations</li> <li>2. Media and Awareness</li> <li>3. Research and Policy</li> <li>4. ICT and Data Management</li> <li>5. Training</li> <li>6. Finance and Budget and</li> <li>7. Human Resource Management</li> </ol>           There is an election manager in each of the ten provinces; and a returning/ registration officer in each of the 50 constituencies.</p>
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South Africa

<p><b>Background</b></p>	<p><b>Name of EMB:</b> Electoral Commission of South Africa</p> <p><b>Status:</b> Permanent</p> <p><b>Number of commissioners:</b> Five members of commission, one of whom must be a judge.</p> <p><b>Number of full-time EMB staff:</b> Approximately 900 permanent staff</p>	<p>Electoral Commission of South Africa</p> <p>Permanent</p> <p>Five members of commission, one of whom must be a judge.</p> <p>Approximately 900 permanent staff</p>
<p><b>Establishment of the EMB</b></p>	<p><b>Constitutional and/or legislative provisions for establishment of the EMB:</b> Mandated in terms of Section 191 of the Constitution of the Republic of South Africa (RSA) and established in terms of the Electoral Commission Act 51 of 1996.</p> <p><b>EMB's mandate:</b></p>	<p>Mandated in terms of Section 191 of the Constitution of the Republic of South Africa (RSA) and established in terms of the Electoral Commission Act 51 of 1996.</p> <p>Mandate of EMB:</p> <ul style="list-style-type: none"> <li>• manage any election;</li> <li>• ensure that any election is free and fair;</li> <li>• promote conditions conducive to free and fair elections;</li> <li>• promote knowledge of sound and democratic electoral processes;</li> <li>• compile and maintain a voters' roll;</li> <li>• compile and maintain a register of political parties;</li> <li>• establish and maintain liaison and co-operation with political parties;</li> <li>• undertake and promote research into electoral matters;</li> <li>• develop and promote the development of electoral expertise and technology in all spheres of government;</li> <li>• continuously review electoral legislation and proposed electoral legislation and make recommendations in relation therewith;</li> <li>• promote voter education;</li> <li>• promote co-operation with and between persons, institutions, governments and administrations for the achievement of its objects;</li> <li>• declare the results of elections for national, provincial and municipal legislative bodies within seven days after such elections;</li> <li>• adjudicate disputes that may arise from the organisation, administration or conducting of elections and which are of an administrative nature; and</li> <li>• appoint appropriate public administrations in any sphere of government to conduct elections when necessary.</li> </ul>

	<p><b>EMB model:</b></p> <p><b>What standards are established in the constitution or other legislation for democratic legitimacy?</b></p> <p><b>Provisions for the appointment of commissioners:</b></p>	<p>Independent</p> <p>None specified</p>
<p><b>Appointment, tenure and removals</b></p>	<p><b>Political status of commissioners:</b></p> <p><b>Chair qualifications:</b></p>	<p>For appointment of commissioners, a panel is established which comprises the President of the Constitutional Court as chairperson, a representative from the Human Rights Commission of RSA, a representative from the Commission on Gender Equality and the Public Protector. This panel shall submit a list of names of no fewer than eight recommended candidates to a committee of the National Assembly, which then recommends suitable candidates to the President of the RSA, who appoints the commissioners. The commission appoints a chief electoral officer, who, as accounting officer of the Electoral Commission, is responsible for the appointment of senior staff of the administration of the commission.</p> <p>Independent</p> <p>Commissioners need to:</p> <ul style="list-style-type: none"> <li>• be citizens of the Republic of South Africa;</li> <li>• not hold a high party-political profile;</li> <li>• be recommended by the National Assembly by a resolution adopted by the majority of the members of the assembly; and</li> <li>• be nominated by a committee of the National Assembly, proportionally composed of members of all parties represented in the assembly from a list of recommended candidates, as mentioned above.</li> </ul> <p>One member of the commission is required to be a judge.</p>
	<p><b>Commissioner qualifications:</b></p> <p><b>Tenure of chair and commissioners:</b></p>	<p>See above.</p> <p>The term of office of commissioners is seven years, which may be renewed once.</p> <p>The chief electoral officer is appointed on a five-year contract. All other staff are appointed on a permanent basis.</p>

	<p><b>Provisions for the removal of commissioners:</b></p>	<p>A commissioner may be removed from office by the President of the RSA on the grounds of misconduct, incapacity or incompetence after a finding to this effect by a committee of the National Assembly upon the recommendation of the Electoral Court, and after the adoption by a majority of the members of that assembly of a resolution calling for the removal of a commissioner from office. Senior staff are subject to the commission's disciplinary policy and process.</p>
	<p><b>Provisions for the appointment of EMB senior staff:</b></p>	<p>None specified</p>
	<p><b>Tenure of EMB senior staff:</b></p>	<p>None specified</p>
	<p><b>Provisions for the removal of EMB senior staff:</b></p>	<p>None specified</p>
<p><b>Funding arrangements</b></p>	<p><b>Setting and control of EMB's budget:</b></p>	<p>The EC of RSA is funded by the National Treasury of the RSA, after submitting a budget to the National Treasury based on its work programme. Being a publicly funded institution, the EC of RSA is subject to the Public Finance Management Act, which specifies how public funding is to be managed and accounted.</p>
	<p><b>Financial autonomy:</b></p>	<p>See above.</p>
	<p><b>Legal provisions for financial autonomy:</b></p>	<p>See above.</p>
<p><b>Electoral system</b></p>	<p><b>Number of chambers/houses within the legislature:</b></p>	<p>The National Assembly is composed of 400 members, who are elected by voters on a proportional representation basis. Members of the National Council of Provinces are not elected by voters, but are appointed by the elected members of the National Assembly.</p> <p>Members of provincial legislatures are elected by voters on the basis of proportional representation.</p> <p>Members of municipal councils are elected by voters on the basis of proportional representation, together with a constituency ward (majoritarian or FPTP) system.</p>
	<p><b>Voting system:</b></p>	<p>See above.</p>

	<p><b>Amendments to electoral laws:</b></p> <p><b>Drafting of electoral regulations:</b></p> <p><b>Electoral dispute resolution mechanisms:</b></p>	<p>The Electoral Commission is mandated to review electoral legislation. However, the National Assembly is empowered to amend legislation.</p> <p>The Electoral Commission is empowered to draft electoral regulations in support of electoral legislation.</p> <p>Objections to voting and counting may be submitted to the presiding officer of a voting station. The decision of the presiding officer may be appealed to the Electoral Commission. The decision of the Electoral Commission may be further appealed to the Electoral Court.</p>
<p><b>Other issues:</b></p> <p><b>Secretariat</b></p>	<p><b>Administrative autonomy:</b></p> <p><b>Women in senior positions:</b></p> <p><b>Administrative structure:</b></p>	<p>Yes, the EMB does have the power to create, promote or abolish staff posts. Currently, none of the commissioners are women.</p> <p>Two of the three deputy-chief electoral officers are women.</p> <p>The Electoral Commission comprises three levels: national, provincial (nine offices, each headed by a provincial electoral officer) and municipal (205 offices).</p> <p>The national office of the administration is headed by the chief electoral officer (CEO), with three deputy-CEOs (D-CEOs) reporting to the CEO:</p> <ul style="list-style-type: none"> <li>• D-CEO Electoral Operations: includes electoral matters, and logistics and infrastructure;</li> <li>• D-CEO Outreach: includes voter education, communications, research and knowledge management;</li> <li>• D-CEO Corporate Services: includes finance, human resources, information technology, support services and legal services.</li> </ul>

## Sri Lanka

<p><b>Background</b></p>	<p><b>Name of EMB:</b> Election Commission (Sri Lanka)</p> <p><b>Status:</b> Permanent</p> <p><b>Number of commissioners:</b> Two members and the chairperson.</p> <p><b>Number of full-time EMB staff:</b> 555</p>
<p><b>Establishment of the EMB</b></p>	<p>Article 103 of the Constitution of Democratic Socialist Republic of Sri Lanka.</p> <p><b>EMB's mandate:</b></p> <ol style="list-style-type: none"> <li>1. responsible for conducting referenda and presidential, parliamentary, provincial council and local authorities elections;</li> <li>2. continuous voter registration;</li> <li>3. registration and deregistration of political parties;</li> <li>4. voter education;</li> <li>5. dispute resolution among electoral stakeholders;</li> <li>6. development of codes of conduct for candidates and contesting political parties and groups;</li> <li>7. issuing of media guidelines; and</li> <li>8. accreditation of election observer groups.</li> </ol> <p><b>EMB model:</b> Independent</p> <p><b>What standards are established in the constitution or other legislation for democratic legitimacy?</b> Article 103(2) stresses that the Election Commission should assure the conduct of free and fair elections.</p>

<b>Appointment, tenure and removals</b>	<b>Provisions for the appointment of commissioners:</b>	By the President of the country, with the recommendation of the Constitutional Council.
	<b>Political status of commissioners:</b>	Experts
	<b>Chair qualifications:</b>	None specified
	<b>Commissioner qualifications:</b>	None specified
	<b>Tenure of chair and commissioners:</b>	Five years
	<b>Provisions for the removal of commissioners:</b>	No person shall be appointed as a member if such member is a Member or becomes a Member of Parliament, a provincial council or local authority, or is appointed as a judicial officer or public officer, or enters into employment of the state.
	<b>Provisions for the appointment of EMB senior staff:</b>	Through the Constitutional Council.
	<b>Tenure of EMB senior staff:</b>	Five years
	<b>Provisions for the removal of EMB senior staff:</b>	By the Constitutional Council.
<b>Funding arrangements</b>	<b>Setting and control of EMB's budget:</b>	By the Election Commission.
	<b>Financial autonomy:</b>	Yes
	<b>Legal provisions for financial autonomy:</b>	No such provisions; the Election Commission submits the annual performance appraisal to parliament within the first two months of the following year.
<b>Electoral system</b>	<b>Number of chambers/houses within the legislature:</b>	Unicameral
	<b>Voting system:</b>	Proportional representation (PR).
	<b>Amendments to electoral laws:</b>	Developing a system of mixed electoral practice.
	<b>Drafting of electoral regulations:</b>	No
<b>Electoral disputes</b>	<b>Electoral dispute resolution mechanisms:</b>	Meeting with representatives of political parties, observer groups and media, while focusing on ongoing matters.

<p><b>Other issues:</b></p>	
<p><b>Secretariat</b></p>	<p>Yes, but with the consultation of the Constitutional Council.</p>
<p><b>Administrative autonomy:</b></p>	<p>There are no women in the commission itself. However, in the Secretariat, three of the 17 senior-level posts are held by women.</p>
<p><b>Women in senior positions:</b></p>	<p>The chairperson and the members are the policy organ of the commission.</p> <p>There are nine main divisions:</p> <ol style="list-style-type: none"> <li>1. Voter registration, parliament, presidential elections and referenda</li> <li>2. Party registration, elections for provincial council and local authorities</li> <li>3. Legal and investigation</li> <li>4. Research, development and voter awareness</li> <li>5. Human resources development and administration</li> <li>6. Finance and procurement</li> <li>7. Information communication technology</li> <li>8. Internal auditing</li> <li>9. Secretariat of the Election Commission</li> </ol>
<p><b>Administrative structure:</b></p>	

## St Vincent and the Grenadines

<b>Background</b>	<b>Name of EMB:</b>	Electoral Office (St Vincent and the Grenadines)
	<b>Status:</b>	Permanent
<b>Establishment of the EMB</b>	<b>Number of commissioners:</b>	None specified
	<b>Number of full-time EMB staff:</b>	Civil servants
	<b>Constitutional and/or legislative provisions for establishment of the EMB:</b>	None specified
	<b>EMB's mandate:</b>	<p>The mandate of the Electoral Office is:</p> <ol style="list-style-type: none"> <li>1. to review, update and publish quarterly elections lists in keeping with the provisions of the Representation of the People Act 1982;</li> <li>2. to issue National Identity Cards to all eligible applicants;</li> <li>3. to conduct training for electoral officers;</li> <li>4. to facilitate dialogue with and between political parties in Saint Vincent and the Grenadines; and</li> <li>5. to oversee the conduct of free, fair and transparent general elections in Saint Vincent and the Grenadines.</li> </ol>
	<b>EMB model:</b>	<p>The Electoral Office is a department of government.</p> <p>There are no commissioners or other persons who are empowered to make decisions regarding electoral matters. Those powers are vested, by law, in the Office of the Supervisor of Elections.</p>
	<b>What standards are established in the constitution or other legislation for democratic legitimacy?</b>	None specified

<b>Appointment, tenure and removals</b>	<b>Provisions for the appointment of commissioners:</b>	The Public Service Commission – the government department that has responsibility for hiring public service workers – appoints all employees, including the supervisor of elections.
	<b>Political status of commissioners:</b>	None specified
	<b>Chair qualifications:</b>	None specified
	<b>Commissioner qualifications:</b>	None specified
	<b>Tenure of chair and commissioners:</b>	None specified
	<b>Provisions for the removal of commissioners:</b>	All persons employed and assigned to the Electoral Office are subject to the provisions of the Civil Service Orders of Saint Vincent and the Grenadines.
	<b>Provisions for the appointment of EMB senior staff:</b>	None specified
	<b>Tenure of EMB senior staff:</b>	None specified
<b>Funding arrangements</b>	<b>Provisions for the removal of EMB senior staff:</b>	None specified
	<b>Setting and control of EMB's budget:</b>	Funded as a government department.
	<b>Financial autonomy:</b>	None specified
	<b>Legal provisions for financial autonomy:</b>	None specified
<b>Electoral system</b>	<b>Number of chambers/houses within the legislature:</b>	Unicameral
	<b>Voting system:</b>	FPTP
	<b>Amendments to electoral laws:</b>	None specified
	<b>Drafting of electoral regulations:</b>	The Electoral Office functions like other government departments.
<b>Electoral disputes</b>	<b>Electoral dispute resolution mechanisms:</b>	None specified
<b>Other issues:</b>		
<b>Secretariat</b>	<b>Administrative autonomy:</b>	The Electoral Office functions like other government departments.
	<b>Women in senior positions:</b>	The current Supervisor of Elections is a woman.
	<b>Administrative structure:</b>	None specified

## Tonga

Background	<b>Name of EMB:</b>	Tonga Electoral Commission (TEC).
	<b>Status:</b>	Permanent
Establishment of the EMB	<b>Number of commissioners:</b>	Three
	<b>Number of full-time EMB staff:</b>	Four
	<b>Constitutional and/or legislative provisions for establishment of the EMB:</b>	Electoral Commission Act, 2010.
	<b>EMB's mandate:</b>	To administer and manage both local and national elections.
	<b>EMB model:</b>	Mixed. The commission is independent; however, it is the Minister for Justice who speaks on the commission's behalf in Cabinet or in the Legislative Assembly.
	<b>What standards are established in the constitution or other legislation for democratic legitimacy?</b>	See the Constitution of Tonga, 1988 and amendments.
	<b>Provisions for the appointment of commissioners:</b>	The Electoral Commission Act provides: 1. that the chair is appointed by the King for a term of five years; 2. for a supervisor of elections; and 3. that the third member is also appointed by the King.
	<b>Political status of commissioners:</b>	As mentioned above, two members of the commission are appointed by the King; the supervisor of elections is also a member.
Appointment, tenure and removals	<b>Chair qualifications:</b>	None specified
	<b>Commissioner qualifications:</b>	None specified
	<b>Tenure of chair and commissioners:</b>	Chair for five years; supervisor of elections for his or her term of service; the third member is appointed by the King for such term as he may deem fit.
	<b>Provisions for the removal of commissioners:</b>	The King may appoint an acting chair in the event that a commission member is unable to perform his or her functions.
	<b>Provisions for the appointment of EMB senior staff:</b>	The commission may, with the approval of Cabinet, appoint such qualified officers and staff, full time or part time, as may be required for the proper conduct of the business of the commission.
	<b>Tenure of EMB senior staff:</b>	Senior staff are still under the Public Service Act and are appointed accordingly.
	<b>Provisions for the removal of EMB senior staff:</b>	See above.

<p><b>Funding arrangements</b></p>	<p><b>Setting and control of EMB's budget:</b></p>	<p>The commission submits its budget to the Ministry of Finance, which submits it to Cabinet for approval and then to the Legislative Assembly, which make the final approval.</p>
<p><b>Electoral system</b></p>	<p><b>Financial autonomy:</b></p> <p><b>Legal provisions for financial autonomy:</b></p> <p><b>Number of chambers/houses within the legislature:</b></p> <p><b>Voting system:</b></p> <p><b>Amendments to electoral laws:</b></p> <p><b>Drafting of electoral regulations:</b></p> <p><b>Electoral dispute resolution mechanisms:</b></p>	<p>The commission has to go through the Ministry of Finance, Cabinet and the Legislative Assembly.</p> <p>The funds available to the commission shall be moneys allocated by the Legislative Assembly for that purpose.</p> <p>Unicameral</p> <p>First-past-the-post</p> <p>The commission, with the approval of Cabinet, may make regulations which are necessary or expedient for carrying out its functions.</p> <p>No</p> <p>An election petition may be presented to the Supreme Court. The member whose election or result is complained of shall be the respondent to the petition, and if the petition complains of the conduct of any official, the chair of the Electoral Commission shall also be a respondent. An election petition shall be presented within 28 days after the day on which the result of the poll has been declared.</p>
<p><b>Electoral disputes</b></p>		
<p><b>Other issues:</b></p> <p><b>Secretariat</b></p>	<p><b>Administrative autonomy:</b></p> <p><b>Women in senior positions:</b></p> <p><b>Administrative structure:</b></p>	<p>The commission can make recommendations to the Public Service Commission.</p> <p>Fifty per cent</p> <p>This is a very small EMB, with the supervisor of elections responsible for the overall implementation of its duties. He/she is assisted by three staff who work on ongoing voter registration, and other election-related duties.</p>

## Trinidad and Tobago

<b>Background</b>	<b>Name of EMB:</b>	Elections and Boundaries Commission (EBC), Republic of Trinidad and Tobago.
	<b>Status:</b>	Permanent
<b>Establishment of the EMB</b>	<b>Number of commissioners:</b>	Five: a chairman and not less than two nor more than four other members.
	<b>Number of full-time EMB staff:</b>	347
	<b>Constitutional and/or legislative provisions for establishment of the EMB:</b>	The EBC is established under Section 71(1) of the Constitution of the Republic of Trinidad and Tobago. Its substantive law is the Representation of the People Act, Chap. 2:01 (ROP).
	<b>EMB's mandate:</b>	The EBC is mandated to register electors to vote at elections of Members of the House of Representatives, municipal councils and the Tobago House of Assembly, and conduct said elections. This includes the following: <ul style="list-style-type: none"> <li>a. the continuous registration of voters;</li> <li>b. publication of the Annual List of Electors on 1 July;</li> <li>c. delimitation of constituencies, cities, boroughs and municipal corporations and preparation and submission of relevant reports;</li> <li>d. the regulation of the process by which parties nominate candidates for elections;</li> <li>e. voter and civic education;</li> <li>f. facilitating the holding of elections; and</li> <li>g. reporting of elections held.</li> </ul>
	<b>EMB model:</b>	Independent
<b>Appointment, tenure and removals</b>	<b>What standards are established in the constitution or other legislation for democratic legitimacy?</b>	See the Constitution of the Republic of Trinidad and Tobago.
	<b>Provisions for the appointment of commissioners:</b>	The chair and members are appointed by the president, after consultation with the prime minister and the leader of the opposition. Senior staff who are public officers are appointed by the Service Commissions Department of the Public Service Commission; EBC recruits senior contract positions competitively.
	<b>Political status of commissioners:</b>	The commission is an apolitical organisation.
	<b>Chair qualifications:</b>	This is within the purview of the president.

	<p><b>Commissioner qualifications:</b>  <b>Tenure of chair and commissioners:</b></p> <p><b>Provisions for the removal of commissioners:</b></p> <p><b>Provisions for the appointment of EMB senior staff:</b></p> <p><b>Tenure of EMB senior staff:</b></p> <p><b>Provisions for the removal of EMB senior staff:</b></p>	<p>As above.</p> <p>The chair and members of the commission are appointed for a period of five years and are eligible for re-appointment.                  Senior staff can remain in office up to the compulsory retirement age of 60 years.</p> <p>The chairman and members of the commission may be removed: where any circumstances arise that, if he/she were not a member of the commission, would cause him/her to be disqualified for appointment as such; for inability to perform the functions of his/her office (whether arising from infirmity of mind or body or any other cause); or for misbehaviour.</p> <p>Senior staff can be removed in accordance with the Public Service Commission Regulations, 1966.</p> <p>None specified</p> <p>None specified</p>
<p><b>Funding arrangements</b></p>	<p><b>Setting and control of EMB's budget:</b></p> <p><b>Financial autonomy:</b></p> <p><b>Legal provisions for financial autonomy:</b></p> <p><b>Number of chambers/houses within the legislature:</b></p> <p><b>Voting system:</b></p>	<p>The EBC submits its Draft Estimates of Revenue and Expenditure to the permanent secretary in the Ministry of Finance, and thereafter receives its allocation annually.</p> <p>The EBC's financial autonomy is limited to expenditure as approved by parliament. The chief election officer, who is the accounting officer, is subject to the provisions of the Audit and Exchequer Act.</p> <p>Audit and Exchequer Act.</p> <p>The parliament of the Republic of Trinidad and Tobago consists of the Senate and the House of Representatives.</p> <p>First-past-the-post system (FPTP) voting is employed for all elections of Members of the House of Representatives, municipal councils and the Tobago House of Assembly. However, there is an element of proportional representation (PR) for the selection of Aldermen for municipal councils.</p> <p>The EBC does not have the authority to amend electoral laws, but may be consulted by the Legislative Drafting Department of the Ministry of the Attorney-General when amendments are contemplated and submits its recommendations when necessary.</p>
<p><b>Electoral system</b></p>	<p><b>Amendments to electoral laws:</b></p>	<p>The EBC does not have the authority to amend electoral laws, but may be consulted by the Legislative Drafting Department of the Ministry of the Attorney-General when amendments are contemplated and submits its recommendations when necessary.</p>

	<b>Drafting of electoral regulations:</b>	The EBC does not have the authority to draft electoral regulations. However, the commission on its own initiative prepares draft proposals for legislative amendments and submits these to Cabinet for review.
<b>Electoral disputes</b>	<b>Electoral dispute resolution mechanisms:</b>	Electoral dispute resolution does not fall within the purview of the commission. All disputes are handled via the courts.
<b>Other issues:</b>		
<b>Secretariat</b>	<b>Administrative autonomy:</b>	The EBC does not have the power to create, promote or abolish staff posts. Amendments to the staffing of the department must be approved by the Ministry of Public Administration before submission to Cabinet for final approval.
	<b>Women in senior positions:</b>	There is one female out of three existing members on the commission (33.3 per cent); at present there are two vacancies. Of the three senior positions in the department, one (33.3 per cent) is headed by a female.
	<b>Administrative structure:</b>	The commission is headed by a chair and four members; the chief election officer is the head of the department and reports directly to the commission. The chief election officer is assisted by the deputy chief election officer and assistant chief election officer, who are also subject to the direction and control of the commission with respect to the ROP. The department comprises ten sections, namely: <ol style="list-style-type: none"> <li>1. Registration Services Unit;</li> <li>2. Human Resource Management Unit;</li> <li>3. Finance and Accounts Branch;</li> <li>4. Boundaries Delimitation Unit;</li> <li>5. Information Technology Unit;</li> <li>6. General Administration and Facilities Management Unit;</li> <li>7. Legal Services Unit</li> <li>8. Research and Records Management Unit;</li> <li>9. Communications and Public Relations Unit; and</li> <li>10. Internal Audit Unit.</li> </ol>

Tuvalu

<p><b>Background</b></p>	<p><b>Name of EMB:</b>  <b>Status:</b>  <b>Number of commissioners:</b>  <b>Number of full-time EMB staff:</b></p>	<p>Tuvalu Electoral Management Body                  Non-permanent                  Given the non-permanent status of the EMB, the secretary to government is the only commissioner for elections under the current legal framework.                  None, due to the non-permanent status of the EMB. The EMB is only active during elections, under the supervision of the commissioner for elections.</p>
<p><b>Establishment of the EMB</b></p>	<p><b>Constitutional and/or legislative provisions for establishment of the EMB:</b>  <b>EMB's mandate:</b></p>	<p>The Electoral Provisions Parliament Act and the Electoral Provisions Parliament Regulations establish the legal framework regulating the management of elections in Tuvalu. In particular, Section 4 of the Electoral Provisions Parliament Regulations provides for the supervision of elections and the key functions and roles of the secretary to government as the commissioner for elections.                  Section 4 of the Electoral Provisions Parliament Regulations stipulates that:  <i>The secretary to government –</i>                  a. <i>shall exercise general direction and supervision over the administration of elections; and</i>                  b. <i>shall issue to election officers such instruction as he may deem necessary from time to time; and</i>                  c. <i>may correct any apparent errors, or omissions or duplications in any electoral register; and</i>                  d. <i>may on the application of any elector amend any register to record an amended name or address; and</i>                  e. <i>may strike off a register the name of any person whom he has good reason to believe dead or otherwise disqualified from voting; and</i>                  f. <i>may add the name of any person to a register where he is satisfied that that person is qualified to be included in that register and that their omission is inequitable and due only to some technical or clerical error in the application procedure whether by the person or not; and</i>                  g. <i>may reduce or extend any time limit provided for by these regulations and provided he is satisfied that no person will lose his opportunity of being registered for or voting in an election and that if it is in the general public interest to do so by notice adapt, amend or otherwise alter the requirements in connection with registration provided for in these regulations.</i></p>

	<p><b>EMB model:</b></p> <p><b>What standards are established in the constitution or other legislation for democratic legitimacy?</b></p>	<p>Government controlled</p> <p>Paragraph 5 of the preamble of the constitution reflects the affirmation that the people of Tuvalu proclaim the establishment of a free and democratic sovereign nation.</p> <p>Section 15 of the constitution also provides that all laws, and all acts done under a law, must be reasonably justifiable in a democratic society that has a proper respect for human rights and dignity, and that any question whether a law is reasonably justifiable in a democratic society that has a proper respect for human rights and dignity is to be determined in light of the circumstances existing at the time when the decision on the question is made.</p>
<p><b>Appointment, tenure and removals</b></p>	<p><b>Provisions for the appointment of commissioners:</b></p> <p><b>Political status of commissioners:</b></p> <p><b>Chair qualifications:</b></p> <p><b>Commissioner qualifications:</b></p> <p><b>Tenure of chair and commissioners:</b></p> <p><b>Provisions for the removal of commissioners:</b></p>	<p>Given the non-permanent status of the EMB, the secretary to government is given the supervisory role under Section 4 of the Electoral Provisions Parliament Regulations to administer and manage elections.</p> <p>Not applicable, due to the non-permanent status of EMB. However, whoever holds the position of secretary to government is given the supervisory role as commissioner for elections under the current legal framework, noting as well the importance of the role of the Attorney-General's Office as principal legal adviser within the government in working closely with the secretary to government under the Office of the Prime Minister in the administration and management of elections.</p> <p>Not applicable at this stage, given the non-permanent status of EMB.</p> <p>Not necessary at this stage, given the non-permanent status of the EMB. However, practically the role comes with experience and involvement of the commissioner for elections in the case of Tuvalu in handling elections.</p> <p>Not applicable, given the non-permanent status of EMB.</p> <p>Not applicable, given the non-permanent status of EMB. However, under the current legal framework the commissioner for elections – who is the secretary to government – is monitored by the minister responsible for elections, who is the prime minister during elections. It is also important to note that if there are any suspicious undertakings during the electoral process, litigation is an option under the current legal framework to solve such issues.</p>

	<p><b>Provisions for the appointment of EMB senior staff:</b></p> <p><b>Tenure of EMB senior staff:</b></p> <p><b>Provisions for the removal of EMB senior staff:</b></p> <p><b>Setting and control of EMB's budget:</b></p> <p><b>Financial autonomy:</b></p> <p><b>Legal provisions for financial autonomy:</b></p>	<p>Not applicable, given the non-permanent status of the EMB.</p> <p>Not applicable, given the non-permanent status of the EMB.</p> <p>Not applicable, refer to above response.</p> <p>Under the current arrangement, the budget is government-oriented under the Office of the Prime Minister.</p> <p>Budgetary provisions for the administration and management of elections are charged directly on public revenue, as provided for under Section 60 of the Electoral Provisions Parliament Act. In other words, the financial provisions for elections are regarded as statutory expenditure.</p> <p>Refer to above response.</p>
<b>Funding arrangements</b>	<p><b>Number of chambers/houses within the legislature:</b></p> <p><b>Voting system:</b></p> <p><b>Amendments to electoral laws:</b></p> <p><b>Drafting of electoral regulations:</b></p> <p><b>Electoral dispute resolution mechanisms:</b></p>	<p>Unicameral</p> <p>Majoritarian (first-past-the-post)</p> <p>The secretary to government, as commissioner for elections, can propose amendments to the Minister responsible for elections and the Attorney-General's Office. The important role of parliament as legislature should also be noted.</p> <p>The authority lies with the minister responsible, as provided for under Section 64 of the Electoral Provisions Parliament Act to make regulations.</p> <p>Sections 56, 57, 58 and 59 of the Electoral Provisions Parliament Act provide for the hearing of election petitions by the High Court.</p>
<b>Electoral system</b>		
<b>Electoral disputes</b>		

<p><b>Other issues:</b> <b>Secretariat</b></p>	<p><b>Administrative autonomy:</b> <b>Women in senior positions:</b></p>	<p>No. given current status of EMB as non-permanent.</p> <p>Currently, within the government, women hold most of the senior positions. For instance, the secretary to government – who is the commissioner for elections – is a woman; the Attorney-General is a woman and most secretaries for ministries are also women.</p> <p>Within Tuvalu's current legal framework regarding elections, there is no barrier to women contesting elections. However, cultural barriers have always been a factor, despite the neutral laws that are in place. Nonetheless, the country is experiencing change in that Tuvalu now has women as Members of Parliament, despite the many barriers that women face in contesting elections and also in being appointed to senior positions within the government. Hence change is visible within the context of Tuvalu, even though this is happening slowly.</p>
<p><b>Administrative structure:</b></p>	<p>Currently the EMB is housed in the Office of the Prime Minister, in which the secretary to government – as commissioner for elections – works closely with the senior assistant secretary (policy), together with the Attorney-General's Office, in the administration and management of elections.</p> <p>It should be noted that the Minister Responsible for Elections, who is the Prime Minister, oversees the work of the commissioner for elections and other election officers – such as the senior assistant secretary (policy) and legal officers from the Attorney-General's Office, working under the supervision of the commissioner for elections.</p>	

Uganda

Background	<b>Name of EMB:</b>	Electoral Commission (Uganda)
	<b>Status:</b>	Independent
	<b>Number of commissioners:</b>	Seven
	<b>Number of full-time EMB staff:</b>	753
Establishment of the EMB	<b>Constitutional and/or legislative provisions for establishment of the EMB:</b>	The Electoral Commission was established by Article 60 of the 1995 Constitution of the Republic of Uganda.
	<b>EMB's mandate:</b>	The mandate of the Electoral Commission is accessed in Articles 60 to 67 of the 1995 Constitution of the Republic of Uganda. Its functions are: <ul style="list-style-type: none"> <li>a. to ensure that regular, free and fair elections are held;</li> <li>b. to organise, conduct and supervise elections and referenda in accordance with the constitution;</li> <li>c. to demarcate constituencies in accordance with the provisions of the constitution;</li> <li>d. to ascertain, publish and declare in writing under its seal the results of the elections and referenda;</li> <li>e. to compile, maintain, revise and update the voters' register;</li> <li>f. to hear and determine election complaints arising before and during polling;</li> <li>g. to formulate and implement voter educational programmes relating to elections; and</li> <li>h. to perform such other functions as may be prescribed by parliament by law.</li> </ul>
Appointment, tenure and removals	<b>EMB model:</b>	Article 62 of the constitution provides for the independence of the Electoral Commission.
	<b>What standards are established in the constitution or other legislation for democratic legitimacy?</b>	The legal instrument in the Constitution of the Republic of Uganda and other enabling laws provide for the EMB's democratic legitimacy.
	<b>Provisions for the appointment of commissioners:</b>	The Constitution provides that the President nominates members of the commission and Parliament approves them.

	<p><b>Political status of commissioners:</b> As per the Constitution, commissioners are appointed on the basis of high moral character, proven integrity, considerable experience and demonstrated competence in public affairs.</p> <p><b>Chair qualifications:</b> They are persons of high moral character and proven integrity who possess considerable experience and demonstrated competence in the conduct of public affairs – in line with Article 60(2) of the 1995 Constitution of Uganda.</p> <p><b>Commissioner qualifications:</b> As above.</p> <p><b>Tenure of chair and commissioners:</b> The term for commissioners is a seven-year contract, renewable once.</p> <p><b>Provisions for the removal of commissioners:</b> Article 60(8) (a–c) provides for the removal of the commissioners under the following circumstances: (a) inability to perform the functions of his/her office arising out of physical or mental incapacity; (b) misbehaviour or misconduct; or (c) incompetence.</p> <p><b>Provisions for the appointment of EMB senior staff:</b> Senior staff are appointed by the commission on four- or five-year renewable contracts.</p> <p><b>Tenure of EMB senior staff:</b> (a) The secretary of the Electoral Commission is appointed for a five-year renewable contract; (b) other senior staff are appointed for four-year renewable service contracts.</p> <p><b>Provisions for the removal of EMB senior staff:</b> Removal of senior staff is as prescribed by the <i>Electoral Commission Personnel/Manual</i> and other appropriate standing orders.</p> <p><b>Setting and control of EMB's budget:</b> The commission makes budget proposals, which are debated and/or passed by parliament.</p> <p><b>Financial autonomy:</b> The secretary to the Treasury, Ministry of Finance, Planning and Economic Development appropriates the allocated funds.</p> <p><b>Legal provisions for financial autonomy:</b> Article 66 of the constitution provides for the EMB's financial autonomy, that is:  <ol style="list-style-type: none"> <li>1. <i>parliament shall ensure that adequate resources and facilities are provided to the commission to enable it to perform its functions effectively;</i></li> <li>2. <i>the commission shall be a self-accounting institution and shall deal directly with the ministry responsible for finance on matters relating to its finances;</i></li> <li>3. <i>the administrative expenses of the commission, including salaries, allowances and pensions payable to or in respect of persons serving with the commission, shall be charged on the Consolidated Fund.</i></li> </ol> </p>
<p><b>Funding arrangements</b></p>	

<p><b>Electoral system</b></p>	<p><b>Number of chambers/houses within the legislature:</b></p> <p><b>Voting system:</b></p> <p><b>Amendments to electoral laws:</b></p> <p><b>Drafting of electoral regulations:</b></p> <p><b>Electoral dispute resolution mechanisms:</b></p>	<p>Unicameral</p> <p>Parliament and local government councils' elections take place through universal adult suffrage, by secret ballot and FPTP. For representatives of special interest groups in parliament and local government councils, the vote is by electoral college and also FPTP.</p> <p>The commission makes proposals for legal amendments. Others stakeholders like civil society and the Ministry of Local Government also make proposals. Parliament debates the proposals and passes them.</p> <p>Yes</p>
<p><b>Electoral disputes</b></p>	<p><b>Electoral dispute resolution mechanisms:</b></p>	<p>The Electoral Commission hears and determines petitions/complaints arising out of the nomination exercise up to polling day. Thereafter, any petitions are heard and determined by courts of law.</p>
<p><b>Other issues:</b></p>		
<p><b>Secretariat</b></p>	<p><b>Administrative autonomy:</b></p> <p><b>Women in senior positions:</b></p> <p><b>Administrative structure:</b></p>	<p>The commission has power to promote and/or abolish staff positions, depending on need.</p> <ol style="list-style-type: none"> <li>1. Two female commissioners out of 6 (33 per cent)</li> <li>2. One female director out of three (33 per cent)</li> <li>3. One female head of department out of 11 (10 per cent)</li> </ol> <p>Note: The seventh commissioner is yet to be appointed.</p> <ol style="list-style-type: none"> <li>a. The commission's technical arm is headed by the secretary of the Electoral Commission.</li> <li>b. There are three directorates: Directorate of Finance and Administration; Directorate of Operations; and the Directorate of Technical Support Services;</li> <li>c. The directorates in total have 11 departments: 1. Human Resource Management; 2. Finance; 3. Administration; 4. Information Technology; 5. Voter Education and Training; 6. Election Management; 7. Legal and Public Relations; 8. Voter Data Management; 9. Planning and Research; 10. Internal Audit; 11. Field Operations* Procurement and Disposal Unit.</li> </ol> <p>* The commission has divided the country into 12 regions, headed by regional election officers who oversee the activities of all the 112 district registrars/ returning officers countrywide. This is under the Field Operations Department and Directorate of Operations.</p>

## United Kingdom

<b>Background</b>	<p><b>Name of EMB:</b> The Electoral Commission (UK)</p> <p><b>Status:</b> Permanent</p> <p><b>Number of commissioners:</b> Ten (including the chair).</p> <p><b>Number of full-time EMB staff:</b> 140 approx.</p>
<b>Establishment of the EMB</b>	<p><b>Constitutional and/or legislative provisions for establishment of the EMB:</b> The Electoral Commission was set up under the Political Parties, Elections and Referendums Act 2000 (PPERA). The commission is independent of government and political parties, and is directly accountable to the UK Parliament through a committee chaired by the speaker of the House of Commons. The commission also reports to the Scottish Parliament in respect of its functions relating to local government elections in Scotland and reported to the Scottish Parliament in relation to the referendum on independence in Scotland.</p> <p><b>EMB's mandate:</b> The Electoral Commission is an independent body which reports directly to the UK Parliament. It regulates political party and election finance and sets standards for well-run elections. The EMB puts voters first by working to support a healthy democracy, where elections and referendums are based on our principles of trust, participation and no undue influence. Returning officers are responsible for the administration of elections. The commission does not run elections, but works with returning officers and their staff to ensure elections are well run. <i>EMB roles and responsibilities outline much of the work it does in order to meet the objectives of:</i></p> <ul style="list-style-type: none"> <li>• well-run elections, referendums and electoral registration;</li> <li>• transparency in party and election finance, with high levels of compliance.</li> </ul>

		<p><i>Regulator of party and election finance. Here the mandate is to:</i></p> <ul style="list-style-type: none"><li>• regulate political party funding in the UK to ensure the integrity and transparency of party and election finance;</li><li>• provide guidance for political parties and regulated donees to assist them in meeting their legal obligations to follow party funding rules;</li><li>• publish political parties' annual statement of accounts on the commission website;</li><li>• maintain a publicly available and searchable register of these donations made to political parties on its website;</li><li>• monitor political party, candidate and non-party campaign spending at elections and referendums;</li><li>• impose financial civil penalties on political parties and their accounting units if they fail to submit donation and loans returns, campaign spending return or statements of account; and</li><li>• seek forfeiture of impermissible donations accepted by political parties.</li></ul> <p><i>Registration of political parties. Here the mandate is to:</i></p> <ul style="list-style-type: none"><li>• register political parties, emblems and party descriptions.</li></ul> <p><i>Electoral registration. Here the mandate is to:</i></p> <ul style="list-style-type: none"><li>• produce guidance and give advice on electoral registration to electoral registration officers in Great Britain;</li><li>• set performance standards for electoral registration in Great Britain (electoral registration officers are required to report against these standards and the commission will make this information publicly available); and</li><li>• undertake public awareness campaigns ahead of elections and throughout the year to encourage people to register to vote (the campaigns focus on audiences that research indicates are less likely to be on the electoral register, including recent home-movers, students and UK citizens living overseas).</li></ul>
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		<p><i>Well-run elections and referendums. Here the mandate is to:</i></p> <ul style="list-style-type: none"> <li>• produce guidance and give advice on electoral administration to returning officers and electoral administrators in Great Britain;</li> <li>• set performance standards for returning officers and referendum counting officers in Great Britain;</li> <li>• produce reports on the administration of certain elections (for example, UK Parliamentary general elections) and referendums.</li> </ul> <p><i>Referendum responsibilities</i></p> <p>The Electoral Commission has a number of responsibilities in relation to referendums. These include:</p> <ul style="list-style-type: none"> <li>• commenting on the wording of the referendum question (the government is responsible for proposing the wording);</li> <li>• registration of campaigners;</li> <li>• designating lead campaign organisations and the making of grants;</li> <li>• monitoring referendum expenditure limits and donations; and</li> <li>• certifying and announcing the result.</li> </ul> <p>As with other electoral events, the Electoral Commission has a statutory duty to prepare and publish a report on the administration of a relevant referendum and to give guidance and advice to administrators and campaigners. The chair of the commission, or someone appointed by the chair, will also be appointed as chief counting officer.</p>
	<p><b>EMB model:</b></p> <p><b>What standards are established in the constitution or other legislation for democratic legitimacy?</b></p>	<p>Independent.</p> <p>The standards are set out in PPERA. The commission is accountable to the Speaker's Committee, which is chaired by the speaker of the House of Commons. The Speaker's Committee is a statutory body established under PPERA. The speaker, the Lord President of the Council, chair of the Political and Constitutional Reform Committee and the minister with responsibilities in relation to local government are ex officio members of the committee. The other five members of the committee are appointed by the speaker.</p>

		<p>Its statutory functions include:</p> <ul style="list-style-type: none"> <li>overseeing the procedure for the selection of individuals to be put forward for appointment or re-appointment as electoral commissioners (including the chair of the commission), and for appointment as the chair of the Local Government Boundary Commission for England; and</li> <li>examination of the estimates and five-year plans of the Electoral Commission and the Local Government Boundary Commission for England.</li> </ul> <p>A representative of the Speaker's Committee answers questions on behalf of the commission in parliament on a regular basis.</p>
<p><b>Appointment, tenure and removals</b></p>	<p><b>Provisions for the appointment of commissioners:</b></p> <p><b>Political status of commissioners:</b></p>	<p>Electoral commissioners, including the chair of the commission, are appointed by the Queen on a referral from the House of Commons following a recommendation from the speaker of the house.</p> <p>Four commissioners are appointed to represent political parties. Three of the nominated commissioners shall each be a person put forward by the leader of the three largest nominating parties at the time of the person's appointment.</p> <p>The represented parties are as follows:</p> <ol style="list-style-type: none"> <li>The Conservative Party</li> <li>The Labour Party</li> <li>The Scottish National Party</li> <li>Smaller political parties (those parties having two or more seats in the UK Parliament and taking them up)</li> </ol>
	<p><b>Chair qualifications:</b></p> <p><b>Commissioner qualifications:</b></p>	<p>No specific or formal qualifications, although there is a role description and person specification for both the chair and commissioners used in the recruitment process.</p> <p>No, although depending on the strengths currently represented on the board, the recruitment process may seek candidates with experience in a particular field.</p> <p>Commissioners nominated by political parties will usually have recent significant political experience in a UK-wide party.</p>

	<p><b>Tenure of chair and commissioners:</b></p> <ul style="list-style-type: none"> <li>• Commissioners (including the chair) are appointed to serve a four-year term, which can be renewed.</li> <li>• Commissioners representing the three main political parties (representing the Conservative, Labour and Scottish Nationalist Parties) are also appointed on a four-year term, which can be renewed. The political parties provide the commission with a short-list of candidates for each respective political party, who are then interviewed by the Electoral Commission, the successful candidate being appointed commissioner for that political party.</li> <li>• The commissioner representing the 'smaller' political parties has so far been appointed for a two-year term. The smaller political parties put forward a candidate to stand as their representative commissioner, subject to the Speaker's Committee interview process.</li> </ul>	<ul style="list-style-type: none"> <li>• Only the Queen can officially remove a commissioner from their post.</li> </ul> <p>Senior staff are appointed following open competition.</p> <p>Senior staff are usually appointed on a permanent basis unless circumstances require appointment on a fixed-term basis.</p> <p>Senior staff are subject to the same dismissal procedures for all commission staff. Either the chief executive or chair/board would be involved in any decision to dismiss senior staff.</p>
<p><b>Funding arrangements</b></p>	<p><b>Setting and control of EMB's budget:</b></p>	<p>Under the Political Parties, Elections &amp; Referendums Act 2000 (PPERA), the Electoral Commission seeks authority from parliament for its spending each financial year. The commission is directly accountable to the UK Parliament through a committee chaired by the speaker of the House of Commons.</p> <p>The commission is required to submit to the Speaker's Committee each financial year an estimate of the commission's income and expenditure (detailing how much money the commission requires and how it intends to spend it). Once approved by the Speaker's Committee, the committee lays the estimate before the House of Commons for approval.</p>

	<p><b>Financial autonomy:</b></p>	<p>The commission can reallocate the way it applies its approved funds to deliver the outcomes in its Corporate Plan (which is approved by the Speaker’s Committee) and must ensure activity is within the remit approved in the annual Supply Estimate. The Speaker’s Committee will be notified of any significant in-year plans to change the application of approved funds.</p> <p>The financial autonomy of the commission is established within PPERA.</p>
<p><b>Electoral system</b></p>	<p><b>Legal provisions for financial autonomy:</b></p> <p><b>Number of chambers/houses within the legislature:</b></p>	<p>The UK is a unitary state with a devolved system of government.</p> <p>The UK Parliament is the supreme legislative body in the United Kingdom. It is bicameral, consisting of two chambers/houses: the House of Commons and the House of Lords. The House of Commons consists of directly elected Members of Parliament (MPs) as voted for at UK Parliamentary general elections. The House of Lords is an appointed legislature and acts to review legislation initiated by the House of Commons, with the power to propose amendments.</p> <p>There is also a devolved Scottish Parliament and devolved assemblies in Northern Ireland and Wales.</p> <ul style="list-style-type: none"> <li>• The Scottish Parliament is the national, unicameral legislature of Scotland (one chamber)</li> <li>• The National Assembly of Wales is the national, unicameral legislature of Wales (one chamber)</li> <li>• The Northern Ireland Assembly is the national, unicameral legislature of Northern Ireland (one chamber)</li> </ul>
	<p><b>Voting system:</b></p>	<p>The voting system changes depending upon the various legislatures:</p> <ul style="list-style-type: none"> <li>• United Kingdom Parliament – first-past-the-post (FPTP) voting system</li> <li>• Northern Ireland Assembly – single transferable vote (STV)</li> <li>• Scottish Parliament – additional member system (AMS)</li> <li>• National Assembly for Wales – additional member system</li> </ul>
	<p><b>Amendments to electoral laws:</b></p>	<p>The Electoral Commission can make recommendations to the secretary of state to amend electoral laws, but it is for the UK Government and Parliament to decide on the implementation of the law.</p>
	<p><b>Drafting of electoral regulations:</b></p>	<p>The responsibility to draft electoral regulations rests with the UK Government, Parliament and the relevant devolved bodies.</p>

<b>Electoral disputes</b>	<b>Electoral dispute resolution mechanisms:</b>	<p>The commission has no role in resolving electoral disputes. In the UK the only way to challenge the outcome of an election once a candidate has been declared elected is by legal proceedings. These proceedings are referred to as 'election petitions' and can be brought by a candidate or elector in the area in which the election was held within a specified period of time after the election. Part 3 of the Representation of the People Act 1983 (RPA 1983) sets out the process for challenging UK Parliamentary and local government elections by election petition. Some relevant provisions are also set out in the Election Petition Rules 1960.</p>
<b>Other issues:</b>		
<b>Secretariat</b>	<b>Administrative autonomy:</b>	<p>Yes.</p> <ul style="list-style-type: none"> <li>• At commissioner level, three out of ten commissioners are women (including the chair).</li> <li>• At Executive Team level, two out of five members of the Executive Team are women (including the chief executive and the deputy chief executive/director of finance).</li> <li>• At senior management level, seven out of 15 members of the Senior Leadership Group are women.</li> </ul>
<b>Administrative structure:</b>	<b>Administrative structure:</b>	<p>There are four directorates:</p> <ul style="list-style-type: none"> <li>• Communications</li> <li>• Electoral Administration</li> <li>• Party and Election Finance</li> <li>• Finance and Corporate Services</li> </ul>

Vanuatu

<b>Background</b>	<b>Name of EMB:</b>	The Vanuatu Electoral Office
	<b>Status:</b>	Permanent
	<b>Number of commissioners:</b>	Two commissioners and a chair.
	<b>Number of full-time EMB staff:</b>	Five permanent staff.
<b>Establishment of the EMB</b>	<b>Constitutional and/or legislative provisions for establishment of the EMB:</b>	It is established in Chapter 4 of the Constitution under Articles 18, 19 and 20; its function and directive are laid out in the Representation of the Peoples Act [cap146].
	<b>EMB's mandate:</b>	<p>The EMB's mandate is to conduct or supervise referenda and elections, as stipulated under the constitution or an act of parliament, and to be responsible for:</p> <ul style="list-style-type: none"> <li>• the registration of citizens as voters;</li> <li>• the annual update of the electoral voter list;</li> <li>• the delimitation of electoral boundaries;</li> <li>• submitting requests for legislative amendments as required;</li> <li>• providing logistical support for electoral dispute resolution;</li> <li>• voter education and information; and</li> <li>• developing election reports.</li> </ul>
<b>Appointment, tenure and removals</b>	<b>EMB model:</b>	Mixed
	<b>What standards are established in the constitution or other legislation for democratic legitimacy?</b>	<p>The constitution hereby declares:</p> <ul style="list-style-type: none"> <li>• the country as a sovereign democratic state – Article 1;</li> <li>• national sovereignty, universal electoral franchise and freedom to form political parties – Article 2.</li> </ul>
	<b>Provisions for the appointment of commissioners:</b>	Appointment is made by the President of the Republic on the advice of the Judicial Service Commission.
	<b>Political status of commissioners:</b>	Appointment is based on expertise. Any person who exercises any position of responsibility in a political party shall not qualify as a commissioner.

	<p><b>Chair qualifications:</b></p> <p>The following persons shall not be qualified for appointment as chair of the commission:</p> <ul style="list-style-type: none"> <li>• a member or a candidate for election to parliament;</li> <li>• a member or a candidate for election to the local government councils or municipal councils;</li> <li>• a member or a candidate for election to the National Council of Chiefs;</li> <li>• any person who exercises any position of responsibility in a political party.</li> </ul>
	<p><b>Commissioner qualifications:</b></p> <p>Same as above.</p>
	<p><b>Tenure of chair and commissioners:</b></p> <p>The term is five years and it is renewable.</p>
	<p><b>Provisions for the removal of commissioners:</b></p> <p>The president has the power to remove the commissioners if misconduct is proved beyond reasonable doubt. Senior staff are subject to the Public Service Commission (PSC) Act.</p>
	<p><b>Provisions for the appointment of EMB senior staff:</b></p> <p>EMB senior staff appointments are in line with qualification requirements under the PSC Act.</p>
	<p><b>Tenure of EMB senior staff:</b></p> <p>Permanent</p>
	<p><b>Provisions for the removal of EMB senior staff:</b></p> <p>EMB senior staff are subject to disciplinary procedures under the PSC Act.</p>
<p><b>Funding arrangements</b></p>	<p><b>Setting and control of EMB's budget:</b></p> <p>The budget is set by the Ministry of Internal Affairs and controlled by the EMB through the Department of Finance.</p>
	<p><b>Financial autonomy:</b></p> <p>No</p>
	<p><b>Legal provisions for financial autonomy:</b></p> <p>None specified</p>

<b>Electoral system</b>	<b>Number of chambers/houses within the legislature:</b>	The legislature consist of a single chamber, which is known as the parliament.
	<b>Voting system:</b>	The single non-transferable vote for parliamentary and provincial elections, and the open list (PR) for municipal elections.
	<b>Amendments to electoral laws:</b>	The government and the Electoral Commission and office may seek amendments to the electoral law. Amendments must be approved by the Electoral Commission and the Council of Ministers before being discussed in parliament.
	<b>Drafting of electoral regulations:</b>	The EMB does not draft the electoral legislation but provides advice to the state law office who does the drafting.
	<b>Electoral disputes mechanisms:</b>	Any electoral dispute is submitted to the Supreme Court, which then forwards it to the Electoral Dispute Committee – made up of magistrates, lawyers and other relevant experts. The decision of the Election Dispute Committee can be challenged at the Supreme Court, who takes the final decision.
<b>Other issues:</b>		
<b>Secretariat</b>	<b>Administrative autonomy:</b>	Yes, but with approval from the Ministerial Director General and the Public Service Commission.
	<b>Women in senior positions:</b>	One female commissioner.
	<b>Administrative structure:</b>	There are four main sections in the EMB: <ol style="list-style-type: none"> <li>1. Management Section</li> <li>2. Finance Section</li> <li>3. Compiling Section</li> <li>4. Client Services Section</li> </ol>

