Electoral Management Design:

The International IDEA Handbook

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Handbook Series
The International IDEA Handbook Series seeks to present comparative analysis, information and insights on a range of democratic institutions and processes. Handbooks are aimed primarily at policy makers, politicians, civil society actors and practitioners in the field. They are also of interest to academia, the democracy assistance community and other bodies.

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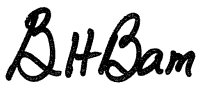
Foreword

In the late 1980s and the 1990s many countries organized multiparty elections for the first time. The main challenges that faced those elections could be described as lack of experience and a knowledge gap. While there was a strong commitment to making sure that electoral administrations act independently, many newly established electoral management bodies were largely unprepared, and did not possess the necessary experience, knowledge and resources to deliver and guarantee credible elections. There was no common methodology available for designing or financing election administration; nor did electoral institutions and practitioners have access to best practices, practical experience and comparative lessons.

The holding of successive competitive elections over the years enabled electoral administrators in much of the world to accumulate valuable experience that they are now starting to share with each other. The challenges of the earlier decades are thus no longer the main problem. Instead, election managers currently face the formidable challenge of ensuring that stakeholders have trust in the electoral process and perceive electoral administrations as credible institutions. Stakeholder confidence, and especially the trust of the public and of political parties in the electoral process and the way in which it is administered, are crucial not only for the electoral exercise itself, but for the credibility of the government that results.

This new *IDEA Electoral Management Design Handbook* attempts to address some of these challenges from a practical point of view, by bringing together global field experiences in electoral administration, and by presenting best-practice solutions in a non-prescriptive and user-friendly way. It looks at the different models of electoral administration and the management design issues that may have an impact on confidence in and the scope for independent action by election administrators. In doing so, it takes into account the entire electoral cycle, not only the highly visible time close to polling, and it highlights the importance of post-election audit and evaluation.

This Handbook also emphasizes the need for electoral administrations to be effective, sustainable and professional. It provides useful tools to help guide the process of detailed planning of the basic requirements of the organizational and financial aspects that are essential if elections are to be free, fair and credible and run efficiently. It is intended to be a practical tool for all those who are seeking professional guidance to establish, reform and/or consolidate genuinely autonomous, neutral and professional electoral administration for the long term. I have no doubt that this IDEA Handbook will be of huge value for election administrators and electoral stakeholders around the world.



Brigalia Bam
Chairperson, Independent Electoral Commission of South Africa
Member of the Board of Directors of IDEA

Preface

IDEA's vision is to play the role of a democracy-building catalyst, helping to increase the effectiveness of democracy assistance, and setting agendas that can influence policy makers, donor governments, the UN family, regional organizations, and peer organizations. In seeking to be a leader in influencing thinking and action in support of democracy, one of the three core elements of IDEA's strategy is to provide knowledge tools for home-grown democracy.

Electoral frameworks, including the choice of electoral system and the design of electoral administration, determine both the outcomes and the credibility of electoral processes and thereby trust in democracy. The development of professional electoral administration is not merely a technical and managerial issue, but a process that crucially engages political stakeholders who have their own interests and objectives. Much experience has now been gathered on the importance of electoral administration that is able to act in a fearlessly independent manner in practice and to manage electoral processes effectively and sustainably.

This Handbook brings together a core global comparative knowledge base on the design, establishment, financing, training and assessment of electoral management bodies. It will in itself be a valuable resource for everyone engaged in the process of building sustainable capacity to conduct successful electoral processes that are perceived as legitimate. Its full value, however, will be much wider. It will serve as the source for the development of cutting-edge electoral training materials. It will also be linked to the ACE Electoral Knowledge Network.

The Handbook is also the basis of a call to action. Electoral assistance providers have often groped in the dark as programmes have been written for support of new electoral institutions. The realization is growing that for electoral assistance to be effective it needs to be viewed through a long-term development perspective and not as an activity driven by an individual electoral event. The choices of donors, too, can now be made on the basis of a deeper understanding of the basic principles of election administration design and of the many options available.

The Handbook is a major new tool which will be used by all those involved or interested in the future strength and legitimacy of their electoral process.

Vidar Helgesen
Secretary-General
International IDEA

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Acronyms and Abbreviations

AAEA	Association of African Election Authorities
AAEA	Association of Asian Election Authorities
ACE	The ACE Electoral Knowledge Network
ACEEEO	Association of Central and Eastern European Electoral Officials
ACEO	Association of Caribbean Electoral Organizations
AEA	Association of Election Administrators (UK)
AEC	Australian Electoral Commission
AEOBIH	Association of Bosnia and Herzegovina Election Officials
ANFREL	Asian Network for Free Elections
AV	Alternative Vote
BEAT	Basic Election Administration Training
BiH	Bosnia and Herzegovina
BRIDGE	Building Resources in Democracy, Governance and Elections
CAPEL	Center for Electoral Promotion and Assistance
CBC	Constituency Boundaries Commission (Fiji)
CEC	Central Election Commission (Georgia, Russia)
CEC	Commune Election Committee (Cambodia)
CENA	Commission Electorale Nationale Autonome (Senegal)
CEO	Chief electoral officer (Afghanistan, Canada, Iraq, Yemen)
CNE	Comissão Nacional de Eleições (National Election Commission, Mozambique)
CORE	Cost of Registration and Elections (Project)
CPA	Coalition Provisional Authority (Iraq)
CPP	Cambodian People's Party
CSO	Civil society organization
DC	Delimitation Commission (Zimbabwe)
DEC	District election commission (Georgia)
DEC	District Election Coordinator (Kenya)
DGE	Direction Générale des Elections (General Directorate of Elections) (Senegal)
DRE	Direct recording electronic (system)
EAC	Election Assistance Commission (USA)
EC	Election Commission (Bosnia and Herzegovina)
ECF	Electoral Commissions' Forum (of SADC countries)
ECI	Election Commission of India
ECK	Electoral Commission of Kenya
ECOWAS	Economic Community of West African States
EISA	Electoral Institute of Southern Africa
EMB	Electoral Management Body
ESC	Electoral Supervisory Commission (Zimbabwe)
EUR	Euro
EVM	Electronic voting machine

FEC	Federal Election Commission (USA)
FPTP	First Past The Post
Frelimo	Frente de Libertaçâo de Moçambique (Mozambique Liberation Front)
Funcinpec	United Front for an Independent, Neutral, Peaceful and Cooperative Cambodia
GEO	Global Electoral Organization
GFAP	General Framework Agreement for Peace (Bosnia and Herzegovina, 1995)
HAVA	Help America Vote Act (2002) (USA)
IACREOT	International Association of Clerks, Recorders, Election Officials and Treasurers
IAEC	Interim Afghan Electoral Commission
IDEA	International Institute for Democracy and Electoral Assistance
IEC	Independent Election Commission (Afghanistan)
IEC	Independent Electoral Commission (Botswana, Lesotho, South Africa)
IECI	Independent Electoral Commission of Iraq
INEC	Independent National Electoral Commission (Nigeria)
IOM	International Organization for Migration
IRI	International Republican Institute
ISO	International Organization for Standardization
IT	Information technology
JEC	Junta Electoral Central (Central Electoral Board) (Spain)
JEMB	Interim Joint Electoral Management Body (Afghanistan)
JPPR	Peoples Voter Education Network (Indonesia)
JSC	Judicial Services Commission (Zimbabwe)
KNA	Kurdistan National Assembly
MEC	Municipal Election Commission (Bosnia and Herzegovina)
MMP	Mixed Member Proportional
NACCR	National Association of Clerks and County Recorders (USA)
NDI	National Democratic Institute
NEB	National Electoral Board (Riksvalgstyret) (Norway)
NEC	National Election Committee (Cambodia)
NGO	Non-governmental organization
OAS	Organization of American States
ODIHR	Office for Democratic Institutions and Human Rights (OSCE)
OMR	Optical mark reading
ONEL	Observatoire National des Elections (National Elections Observatory) (Senegal)
OPOVOV	'One person, one vote, one value'
OSCE	Organization for Security and Co-operation in Europe
OSD	Organizational and staff development
PEC	Precinct Election Commission (Georgia)
PEC	Provincial Election Committee (Cambodia)
PEMMO	Principles for Election Management, Monitoring and Observation

PEO	Principal electoral officer (Vanuatu)
PIANZEA	Pacific Islands, Australia, New Zealand Electoral Administrators Network
PMS	Performance management strategy
PPERA	Political Parties, Elections and Referendums Act 2000 (UK)
PR	Proportional representation
PSC	Polling Station Committee (Cambodia)
PSC	Public Service Commission (Vanuatu)
RD Law	Royal Decree Law (Spain)
Renamo	Resistencia Nacional Moçambicana (Mozambican National Resistance)
RG	Registrar-General of Elections/Voting (Zimbabwe)
SADC	Southern African Development Community
SARDC	Southern African Research and Documentation Centre
SCER	Supreme Commission for Elections and Referendum (Yemen)
SNTV	Single Non-Transferable Vote
SRSG	Special representative of the (UN) Secretary-General (Afghanistan)
STAE	Secretariado Técnico da Administração Eleitoral (Technical Secretariat for Administration of Elections, Mozambique)
STAPE	Technical Secretariat for Electoral Processes Matters
SWOT	Strengths, weaknesses, opportunities and threats
TAL	Transitional Administrative Law (Iraq)
TCB	Trusted code base
TISA	Transitional Islamic State of Afghanistan
TNA	Transitional National Assembly (Iraq)
TSE	Tribunal Supremo de Elecciones (Supreme Electoral Tribunal) (Costa Rica)
UEC	Unified Election Code (Georgia)
UK	United Kingdom
UN	United Nations
UNAMA	UN Assistance Mission in Afghanistan
UNDP	United Nations Development Programme
UNIORE	Inter-American Union of Electoral Organisations
UNTAC	United Nations Transitional Authority in Cambodia
USAID	United States Agency for International Development
USD	US dollar
ZEC	Zimbabwe Electoral Commission
ZESN	Zimbabwe Electoral Support Network

Introduction

1. An election or direct democracy poll – such as a referendum – is often one of the largest single activities that are ever organized in a country. It is a very complex administrative task, implemented in a politically charged atmosphere.

2. The organization and administration of multiparty democratic elections has not traditionally attracted a high profile or been newsworthy. The administration of many electoral events largely passed unnoticed, except by those directly affected, even though the losing political parties often challenged the election conduct and results. From around the mid-1980s, this began to change. The conduct of democratic elections started to be seen, and reported, as a central element of transitions from authoritarianism or the resolution of conflicts. Elections came to be more closely scrutinized by political parties, by the media and by international and domestic election observers.

3. Since the mid-1980s there has also been an unprecedented commitment to electoral reforms around the world, driven by the realization in political and electoral administration circles that changing social environments required a rethink of electoral arrangements, by the critical attention of the media and election observers, and by the emergence of global and regional organizations promoting democracy. As scrutiny of elections increased, from the early 1990s the lack of experience and the 'knowledge gap' in the technical know-how to manage elections was overtaken by a 'credibility gap' for many electoral institutions – a diminished public confidence in the integrity and diligence of their activities.

4. Public interest has been more often focused on reforming electoral systems to enhance representation. Reforms to the machinery for organizing and administering electoral events have been of equal importance. These include a trend towards the establishment of autonomous electoral management bodies (EMBs) with wide-ranging powers and responsibilities, and the improvement of electoral organization so as to deliver higher-quality electoral services more effectively while concurrently enhancing the freeness and fairness of electoral events.

5. As the administration of elections has received more scrutiny, so too has it become more professional. Electoral managers have learnt from experience – their own and that of non-electoral organizations – and have formed links and networks through which ideas and practices are shared and electoral standards may be raised. There are different organizational approaches to the design and conduct of elections, but there are many common themes and issues faced by all electoral administrators.

6. This Handbook seeks to bring together the knowledge and expertise that has been gathered worldwide about election management bodies, their roles and functions, and the organization, financing and management of election administration. It identifies examples of practices which have proved to be successful and of those that have been less successful. It recognizes that different models may be appropriate in different contexts, and does not in general seek to be normative or prescriptive beyond the basic characteristics sought in good electoral processes

– freedom, fairness, equity, integrity, voting secrecy, transparency, effectiveness, sustainability, service-mindedness, efficiency, impartiality and accountability.

7. The prime objective in compiling this Handbook has been to provide practical information in a form that is easily accessible, and to the greatest extent possible free of theorizing and electoral or management jargon. The Handbook contains information of use not only to those establishing institutions involved in managing elections, those in newly established electoral institutions, and those in emerging democracies. To those looking for means of assessing performance and improving administration in well-established electoral management bodies, this Handbook also offers a wide range of experiences and information on good practices. Equally, the information in this Handbook provides useful data to all with an interest or stake in electoral administration – whether in governments, political parties, the media or civil society organizations, or as interested observers of political and electoral matters.

Chapter 1

Chapter 1

Who Organizes Elections?

What Is an EMB?

8. The complexity and specialist skills necessary for electoral management require that an institution or institutions be responsible for electoral activities. Such bodies have a variety of shapes and sizes, with a wide range of titles to match, which include 'Election Commission', 'Department of Elections', 'Electoral Council', 'Election Unit', or 'Electoral Board'. The term 'electoral management body' or EMB has been coined as a name to refer to the body or bodies responsible for electoral management whatever wider institutional framework is in place.

9. An EMB is an organization or body which has the sole purpose of, and is legally responsible for, managing some or all of the elements that are *essential for* the conduct of elections and of direct democracy instruments – such as referendums, citizens' initiatives and recall votes – if those are part of the legal framework. These *essential (or core) elements* include:

a. determining who is eligible to vote;
b. receiving and validating the nominations of electoral participants (for elections, political parties and/or candidates);
c. conducting polling;
d. counting the votes; and
e. tabulating the votes.

10. If these essential elements are allocated to various bodies, then all bodies which have a share of these essential elements can be considered as EMBs. An EMB may be a stand-alone institution, or a distinct management unit within a larger institution which may also have non-electoral tasks.

11. In addition to these essential elements, an EMB may undertake other tasks which *assist* the conduct of elections and direct democracy instruments, such as the conduct of voter registration, boundary delimitation, voter education and information, media monitoring and electoral dispute resolution. However, a body which has no electoral responsibilities other than, for example, boundary delimitation (such as a boundary delimitation commission), electoral

dispute resolution (such as an electoral court), election media monitoring (such as a media monitoring commission) or the conduct of voter education and information (such as a civic education commission) is not considered to be an EMB because it is not managing any of the 'essential elements' of elections as identified above. Similarly, a national population or statistics bureau which produces electoral registers as part of the general process of population registration is not considered to be an EMB.

12. Different EMBs may be established for different electoral processes. In Mexico and Poland, the EMB is responsible both for presidential elections and for parliamentary elections; in Lithuania, one EMB deals with presidential elections and a separate one with parliamentary elections. In the United Kingdom (UK), the arrangements for the conduct of elections and referendums are totally different from each other (see case study).

13. Some bodies that are not engaged in any of the 'essential elements' of elections may be popularly regarded as EMBs due to the breadth of election-related activities which they undertake. An example is the New Zealand Electoral Commission, which is responsible for the registration of political parties, the allocation of broadcasting time and official funds to parties, oversight of party funding and expenditure, and voter education and information. However, such institutions do not qualify as EMBs under the definition of an EMB above.

14. In addition to the division of functional responsibility for different elements of the electoral process, electoral responsibilities may be divided between bodies at different levels. For example, some elements of the conduct of elections may be managed by a national-level electoral commission, a ministry (such as the Ministry of the Interior), or a national government agency, while others are implemented by local-level commissions, regional branches of government departments, or local authorities (as in Spain). The term 'EMB' may also apply to a national electoral commission which co-manages elections together with local authorities, such as the Swedish Election Authority, which includes in its functions the coordination of ballot paper printing, the distribution of seats and the announcement of results at the national level.

Three Models of Electoral Management

15. A country's electoral management model may result from a holistic design process. Equally, it may be a more or less appropriate graft onto an existing system of state administration. In post-colonial environments, it may be strongly influenced by colonial administrative patterns. While there are many variations of detail, there are three broad types or models of electoral management – the Independent, Governmental and Mixed Models. The form of electoral management and the individual EMBs of 214 countries and territories are shown in annex A.

The three broad electoral management models are:

- Independent Model
- Governmental Model
- Mixed Model

The Independent Model of Electoral Management

16. The Independent Model of electoral management exists in those countries where elections are organized and managed by an EMB which is institutionally independent and autonomous from the executive branch of government, and which has and manages its own budget. Under the Independent Model, an EMB is not accountable to a government ministry or department. It may be accountable to the legislature, the judiciary, or the head of state. EMBs under the Independent Model may enjoy varying degrees of financial autonomy and accountability, as well as varying levels of performance accountability. They are composed of members who are outside the executive while in EMB office. Many new and emerging democracies have chosen the Independent Model of electoral management. Examples of EMBs under the Independent Model include Armenia, Australia, Bosnia and Herzegovina, Burkina Faso, Canada, Costa Rica, Estonia, Georgia, India, Indonesia, Liberia, Mauritius, Nigeria, Poland, South Africa, Thailand and Uruguay.

17. In some countries, two bodies are established for the management of elections, both of which are independent of the executive and can be considered as independent EMBs. One of these bodies is likely to have responsibility for policy decisions relating to the electoral process, and the other to be responsible for conducting and implementing the electoral process. Provisions may exist which insulate the implementation EMB from interference by the policy EMB in staffing and operational matters. Examples of this 'double-independent' framework under the Independent Model include Jamaica, Romania, Suriname and Vanuatu.

The Governmental Model of Electoral Management

18. The Governmental Model of electoral management exists in those countries where elections are organized and managed by the executive branch through a ministry (such as the Ministry of the Interior) and/or through local authorities. Where EMBs under the Governmental Model exist at national level, they are led by a minister or civil servant and are answerable to a Cabinet minister. With very few exceptions they have no 'members'. Their budget falls within a government ministry and/or under local authorities.

19. Countries whose EMBs fall into this model include Denmark, New Zealand, Singapore, Switzerland, Tunisia, the UK (for elections but not referendums) and the United States. In Sweden, Switzerland, the UK and the United States, elections are implemented by local authorities. In Sweden and Switzerland the central EMB assumes a policy coordinating role.

The Mixed Model of Electoral Management

20. In the Mixed Model of electoral management, there are usually two component EMBs, and dual structures exist: a policy, monitoring or supervisory EMB that is independent of the executive branch of government (like an EMB under the Independent Model) and an implementation EMB located within a department of state and/or local government (like an EMB under the Governmental Model). Under the Mixed Model, elections are organized by the component governmental EMB, with some level of oversight provided by the component independent EMB. The Mixed Model is used in France, Japan, Spain and many former French colonies, especially in West Africa, for example Mali, Senegal and Togo.

21. The powers, functions and strength of the component independent EMB in relation to the component governmental EMB vary in different examples of the Mixed Model, and the classification of a particular country as using the Mixed Model is sometimes not very clear. In some cases, the component independent EMB is little more than a formalized observation operation, although this version is dying out, having been abandoned for example in Senegal. In other cases, the component independent EMB has a role to supervise and verify the implementation of electoral events by the component governmental EMB, as in Madagascar, and sometimes also to tabulate and transmit results, as in Congo (Brazzaville) and Togo. In some francophone countries, the Constitutional Council is engaged in the tabulation and declaration of results and can be considered as a component independent EMB within the Mixed Model. In Chad, this applies to referendums only, and not to elections. In Mali, where elections are organized by the Ministry of Territorial Administration, both the Independent National Electoral Commission and the Constitutional Court undertake their own tabulation of results: three component EMBs may therefore be said to exist, one which is governmental and two which are independent.

22. The relationship between the component EMBs in a Mixed Model is not always clearly defined in legislation or interpreted by stakeholders, and friction can result. In the 1999 elections in Guinea-Conakry (which used the Mixed Model at that time), the majority representatives and the opposition representatives in the component independent EMB had strongly differing approaches to its role to supervise and verify the elections, and its effectiveness was therefore heavily disputed.

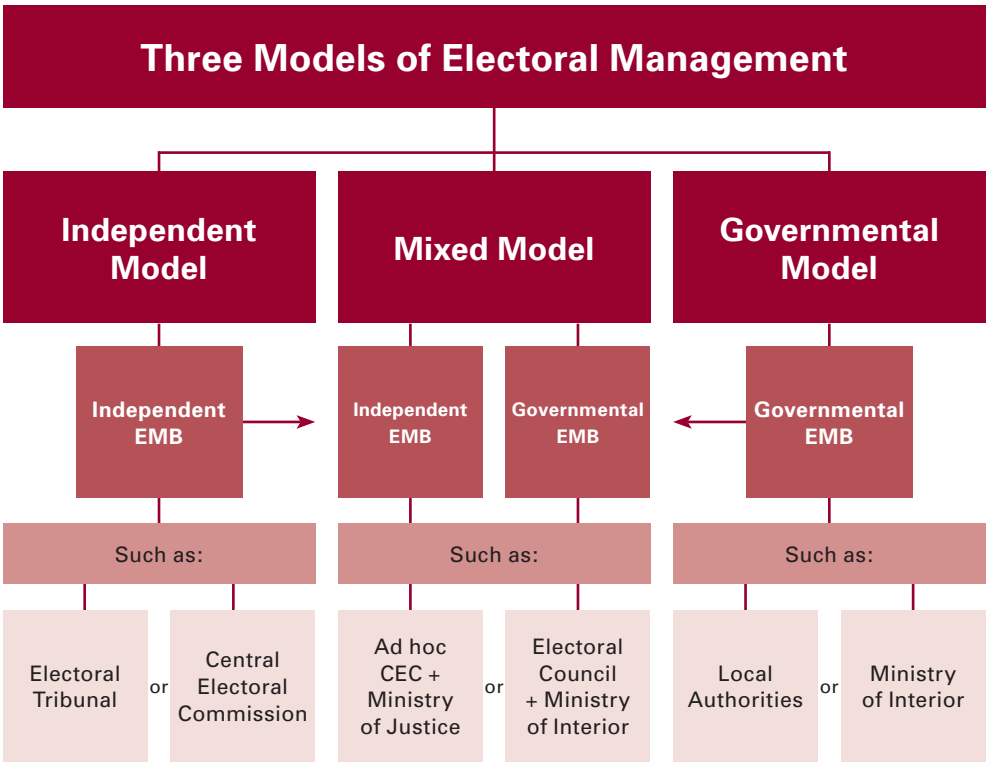
International IDEA's 2006 survey of electoral management in 214 countries and territories worldwide showed that 55 per cent followed the Independent Model, 26 per cent the Governmental Model and 15 per cent the Mixed Model (the remaining 4 per cent corresponds to countries that do not hold national-level elections).

Table 1: Characteristics of the Three Broad Models of Electoral Management and their Component EMBs

Aspect of the Model and the Component EMB(s)	Independent Model	Governmental Model	Mixed Model	
			Independent Component	Governmental Component
	Independent EMB(s)	Governmental EMB(s)	Component Independent EMB	Component Governmental EMB
Institutional arrangement	Is institutionally independent from the executive branch of government	Is located within or under the direction of a department of state and/or local government	Is institutionally independent from the executive branch of government	Is located within or under the direction of a department of state and/or local government
Implementation	Exercises full responsibility for implementation	Implementation is subject to executive branch of government direction	Has autonomy to monitor or supervise, and in some cases set policy for, implementation	Implementation is subject to executive branch of government direction, and monitoring or supervision and in some cases policy setting by independent component
Formal accountability	Does not report to executive branch of government but with very few exceptions is formally accountable to the legislature, judiciary or head of state	Fully accountable to executive branch of government	Does not report to executive branch of government and is formally accountable to the legislature, the judiciary, or the head of state	Fully accountable to executive branch of government
Powers	Has powers to develop the electoral regulatory framework independently under the law*	Powers are limited to implementation	Often has powers to develop electoral regulatory framework independently under the law. Monitors or supervises those who implement elections	Powers are limited to implementation
Composition	Is composed of members who are outside the executive branch while in EMB office	Is led by a minister or public servant. With very few exceptions has no 'members', only a secretariat	Is composed of members who are outside the executive branch while in EMB office	Is led by a minister or public servant. Has no 'members', only a secretariat
Term of Office	Offers security of tenure, but not necessarily fixed term of office	Usually no members, therefore N/A. Secretariat staff are civil servants whose tenure is not secured	Offers security of tenure, but not necessarily fixed term of office	Term of office is not secured
Budget	Has and manages its own budget independently of day-to-day governmental control	Budget is a component of a government ministry's budget or local authority budget	Has a separately allocated budget	Budget is a component of a government ministry's budget or local authority budget

* A few countries which use the Independent or Mixed Model of electoral management, such as Hungary, do not have independent EMBs with regulatory powers.

Figure 1: The Three Models of Electoral Management



CEC = Central Electoral Commission

What Can Be Expected of EMBs under the Different Electoral Management Models?

23. The electoral management model used by a country is an important factor in EMB behaviour, but far from being the only one: it is simplistic to think of three different behaviour patterns. EMB behaviour also depends on the electoral framework, political and social expectations, and the cultural environment within which each EMB exists. Influences include the political commitment to allow an EMB to act freely and impartially, the range of powers and functions given to an EMB, the qualifications of members or staff for appointment and their terms of office, the way in which members and/or staff are selected and appointed, the oversight and accountability framework, and whether the EMB has a legal personality and is thus able to sue and be sued. For example, an independent EMB comprising representatives of competing political parties and an independent EMB comprising non-aligned academics, or others free of political association, both follow the Independent Model but are likely to operate differently. Similarly, an EMB under the Governmental Model whose sponsoring department controls local electoral management offices is likely to behave differently from one that is dependent on numerous local authorities to implement electoral activities.

24. However, there are some general characteristics, advantages and disadvantages of the three Models and their EMBs. Tables 1, 2, 3, 4 and 5 list some key issues.

Attributes of EMBs under the Three Broad Models of Electoral Management

25. Building on this chapter's definition of the three electoral management models and their component EMBs, tables 2 and 3 explain essential, possible and incompatible attributes of EMBs under the Independent and Governmental Models, respectively.

Table 2: What an EMB under the Independent Model Is, May Be, and Is Not

Aspect	Essential Attributes	Possible Attributes	What It Is Not
Institutional arrangement	Institutionally independent from the executive branch of government		Is NOT part of the structure of a department of state and/or local government
Implementation	Exercises full responsibility for implementation	May be a legal entity which can sue and be sued in its own right (e.g. Azerbaijan, Kenya and Lithuania) or not a legal entity (e.g. Botswana and Namibia)	Is NOT above the constitution or law
Accountability	Is subject to good governance constraints	Most usually is formally accountable to the legislature, the judiciary or the head of state. May have varying levels of financial autonomy and accountability. May have financial autonomy through drawing up its own budget and receipt and use of public funds with minimal involvement of the executive branch of government. May have varying levels of performance accountability	Is NOT formally accountable to the executive branch of government. Is NOT free of policy, financial, and performance accountability and good governance constraints
Powers	Has powers to make policy decisions independently under the legal framework	Most usually has powers to develop the electoral regulatory framework independently under the law. More usually has broad overall powers and functions for electoral implementation. May have powers to hire, fire and discipline its own staff. May have power to establish its own procurement and accounting procedures	
Composition	Is composed of members who are outside the executive while in EMB office	Members may be non-aligned 'experts' or politically affiliated	
Term of office	Members have security of tenure	May have a fixed term of office	Members can NOT be removed/ dismissed arbitrarily by the executive branch
Budget	Has and manages its own budget independently of day-to-day governmental control	May have a separately allocated budget from the legislature. May receive funding from the executive branch or the donor community	Does NOT fall within the budget of any government ministry
Staff	Has autonomy to determine its staff needs, rules and policies	May be able to access personnel from within the public service	Staff members are NOT necessarily public servants

Table 3: What an EMB under the Governmental Model Is, May Be, and Is Not

Aspect	Essential Attributes	Possible Attributes	What It Is Not
Institutional arrangement	Is located within a department of state and/or local government	May be a department, an agency, or a local authority	Is NOT an institution that is independent of the executive branch of government
Implementation	Implementation is subject to direction by the executive branch of government	Implementation responsibilities may be shared with ministries, departments or local authorities	
Accountability	Is fully accountable for policy, finance, performance and governance to the executive branch of government		
Powers	Powers are limited to implementation	May often share electoral implementation responsibilities with other departments and local governments	Does NOT have independent regulatory powers
Composition	Is led by a minister or civil servant	With very few exceptions has no members, only a secretariat. Selection of members (if any) and secretariat may be done exclusively by the executive	
Term of office		Usually has no members and therefore no term of office	
Budget	Budget is a component of a government ministry's budget	May receive funding from donor community	Does NOT decide on its own budget
Staff	Is primarily staffed by public servants	May be able to access personnel from outside the public service	Can NOT hire and fire its own staff

26. Mixed Model electoral management encompasses a variety of structures, internal relationships and attributes. Apart from the characteristics noted in table 1, it is difficult to codify their essential and possible attributes. The relationship between the component EMBs in a Mixed Model is significant in determining its attributes and methods of operation. Effective legal frameworks for Mixed Model electoral management clearly specify the division of powers and functions between the component policy, monitoring or supervisory EMB(s) and the component implementing EMB(s), and their interactions. Table 4 shows some examples of attributes of component EMBs under Mixed Model electoral management.

Table 4: Examples of Attributes of EMBs under Mixed Model Electoral Management

Country	**France**		**Japan**	
Component EMBs	Component Independent EMB	Component Governmental EMB	Component Independent EMB	Component Governmental EMB
Title	Constitutional Council	Ministry of Interior, Bureau of Elections	Central Election Management Council (CEMC)	Ministry of Internal Affairs and Communications - Election Division
Composition	Body defined in the constitution with 9 appointed members, 3 each appointed by the President, the National Assembly and the Senate	N/A	5 members appointed by the Parliament	N/A
Structure	Permanent	Permanent	Temporary Term of office 3 years	Permanent
Relationship between Component EMBs	Oversight and some dispute resolution only	Organization and piloting of the electoral process, the major functions of which are the responsibility of the administration at commune level	A secretariat within the ministry gives the CEMC administrative support; the minutes of the CEMC meetings are available on the ministry's web site	Implementation of CEMC instructions and decisions and ensuring their implementation by highly decentralized EMBs at regional and local level
Distinct Powers and Functions of the Component EMBs	Acceptance of nominations in presidential elections. Watching over the regularity of presidential elections and referendums, and declaration of their results. Ruling on disputes over the results of parliamentary elections	Organization and administration of all elections	Exercise of general direction and supervision of the administrative conduct of national elections	Administrative conduct of all aspects of elections

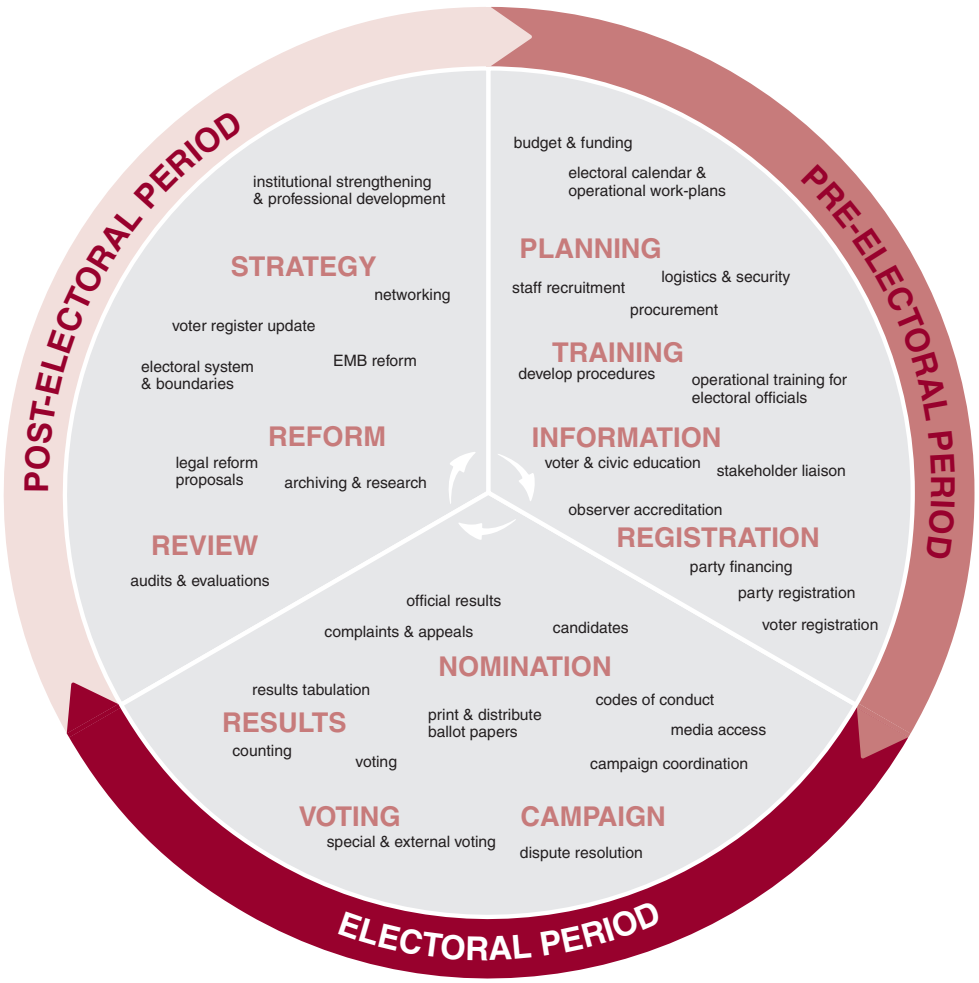
Country	Senegal		Spain	
Component EMBs	Component Independent EMB	Component Governmental EMB	Component Independent EMB	Component Governmental EMB
Title	Autonomous National Election Commission	Ministry of the Interior -General Directorate of Elections	Central Electoral Board	Ministry of the Interior - General Directorate of Elections
Composition	12 members sworn in by the Constitutional Council	N/A	8 judges of the Supreme Court + 5 experts (professors of political science, law, sociology, etc.) jointly proposed by parties represented in Parliament. Chairman and vice-chairman are elected by Central Electoral Board from among the 8 judges	N/A
Structure	Permanent	Permanent	Permanent. Renewed once every 4 years after each parliamentary election	Permanent
Relationship between Component EMBs	Independent supervision, review and verification of the electoral process	Organization and administration of the entire electoral process	Supervision of the entire electoral process	Exercise of all electoral implementation functions. Must consult with the other component for important decisions
Distinct Powers and Functions of the Component EMBs	Independent supervision, review and verification of registration and of the electoral process	Organization and administration of the entire electoral process	Supervision of electoral events. Nomination of candidates. Handling of complaints. Declaration of results. Allocation of seats	Registration of voters. Polling. Counting. Electoral logistics

N/A = Not applicable

Permanent and Temporary EMBs

27. There are many phases to the electoral process: in an election, for example, these include the design and drafting of legislation, the recruitment and training of electoral staff, electoral planning, voter registration, the registration of political parties, the nomination of parties and candidates, the electoral campaign, polling, counting, the tabulation of results, the declaration of results, the resolution of electoral disputes, reporting, auditing and archiving. After the end of one electoral process, it is desirable for work on the next to begin: the whole process can be described as the electoral cycle, illustrated in figure 2.

Figure 2: The Electoral Cycle



28. In determining whether a permanent or temporary EMB is appropriate, workloads throughout the electoral cycle need to be considered, and the expense of maintaining a permanent institution has to be compared with the expense and time required to establish a new body for each election. Where a temporary EMB appears appropriate, it is important to consider how institutional memory relating to elections will be maintained. In situations where electoral events occur regularly – such as regular partial or by-elections and continuous voter registration – or where continuing electoral development work, such as ongoing voter education and information or advocacy of electoral law reforms, is needed, a permanent electoral institution is justifiable. Countries such as Armenia, Australia, Brazil, Canada, Indonesia, Mexico, the Philippines, South Africa and Thailand maintain permanent EMBs.

29. Some countries have EMBs which exist during the electoral period only. Such countries may follow any of the Independent, Governmental or Mixed Models. In some cases, the governmental EMB has to be temporary because the civil servants who run elections have other full-time duties and are redeployed to the EMB during electoral periods only. However, some countries with a Governmental Model of electoral management, such as Sweden, maintain a small skeleton staff to take care of electoral issues between elections, including updating the electoral register. In some countries which use the Mixed Model, the component governmental EMB is permanent to preserve institutional memory, while the component independent EMB is temporary and is set up only during electoral periods, as in Togo.

30. Countries such as Bulgaria, Georgia, Niger, Romania and Russia, whose electoral management follows the Independent Model, have permanent central EMBs which coexist with temporary subordinate EMBs at the electoral district or local levels. Depending on the responsibilities of the subordinate EMBs and on the logistics required, these structures are appointed from two to six months before polling day. Until recently, Bulgaria and Romania did not have permanent EMBs even at the national level. Permanent EMBs were created following encouragement from the Association of Central and Eastern European Election Officials (ACEEEO) and the recommendation of Organization for Security and Co-operation in Europe (OSCE) election observer missions that such structures would enhance institutional memory and operational continuity.

Centralized or Decentralized EMBs

31. The nature of the EMB, in terms of power concentration or devolution, depends very much on the system of government in the country and will usually be defined in the electoral law. The legal framework may distinguish between powers and functions given to a central or national EMB and those given to regional or lower-level EMBs. Such vertical divisions of powers and functions may be between different branch levels of the one national EMB, between a national EMB and separate provincial EMBs, as in Indonesia, or between national and local EMBs, as in the UK.

32. It is common in a unitary system, such as those of Costa Rica, Ghana and the Philippines, to have one central EMB that is responsible for all elections but with subordinate offices at both

provincial and local levels. Countries whose laws define separate, hierarchically accountable EMBs at national, regional, administrative district, and even village level often assign devolved or different powers and responsibilities to each level. Electoral legal frameworks that are modelled on a central EMB devolving responsibilities for implementing some electoral functions are in place in many countries, such as Lithuania and Slovakia.

33. Countries which use the Governmental or Mixed Model of electoral management may rely on local authorities to conduct all or part of electoral activities. For example, Sweden operates a highly decentralized electoral management structure which consists of a national EMB for policy coordination and local authorities which manage elections, and Hungary and Switzerland devolve some powers to local EMBs. Devolving electoral powers and responsibilities to local authorities without appropriate oversight may make it more difficult to maintain electoral consistency, service, quality, and ultimately the freedom and fairness of elections. The United States provides a good example of this difficulty.

Decentralized EMB structures can ensure continuity in the EMB's work, especially where the EMB has responsibility for recurring tasks such as continuous voter registration.

Decentralized EMBs, even if only temporary at lower levels, can enhance inclusiveness and transparency in electoral management.

The sustainability and relative costs of permanent as opposed to temporary EMBs at regional and/or lower levels need to be considered, as well as the advantages.

EMBs in Federal Countries

34. In federal countries, separate EMBs may exist at the national level and in each state/province, often operating under different legal frameworks and possibly implementing different electoral systems. Both the national-level and the provincial-level EMBs may each have separate, devolved structures. The nature of the relationship between such EMBs and the powers and responsibilities of each EMB depend on the provisions of the law.

35. There are a variety of approaches to this relationship. Examples include the following:

- In Australia and Canada, the national EMB is responsible for national (federal) elections, while provincial EMBs are responsible for provincial and local elections.
- In Brazil, the state EMBs are generally responsible for running all elections, with the national EMB involved in the tabulation and declaration of the results for national offices.

- In India, the national EMB exercises overall superintendence, control and direction over state elections. The conduct of these elections is the direct responsibility of the state chief electoral officer, a senior civil servant appointed by the national EMB.
- In Nigeria, the national EMB assumes responsibility for federal and state elections while the provincial EMBs are only responsible for local elections.
- In the Russian Federation a central EMB at the national level is responsible for all federal elections; regional EMBs are responsible for elections in the 89 regions that make up the federation; and lower-level EMBs are responsible to the central EMB for federal elections and to the regional EMB for republic, regional and local elections.
- In Switzerland a national EMB is responsible for policy coordination, while local authorities manage elections.

36. While there are often rivalries between EMBs at national and provincial levels in federal systems, there are examples of cooperation. For example, in Australia, state electoral laws specifically provide that the electoral registers for provincial and local elections are to be jointly maintained with the national EMB, rather than the provinces also maintaining their own registers. Such coordination in electoral laws has significant cost-savings benefits.

Transitional International EMBs and National EMBs

37. The term 'transitional EMB' refers to those EMBs which are set up temporarily to facilitate transitional elections. Transitional international EMBs are normally set up under the auspices of the international community, for example through the United Nations (UN), and consist of or include international experts as members. Countries where transitional international EMBs have been set up include Cambodia (1993), Bosnia and Herzegovina (1996) and East Timor (2000).

38. While not strictly 'international' EMBs, the EMBs in Afghanistan (2004) and South Africa (1994) were national institutions with provision for the appointment of international members. The 1994 South African EMB consisted of five international experts, but since 1996 South Africa has had a national EMB following the Independent Model.

39. An advantage of transitional international EMBs is that they benefit from the presence of international election experts who have vast technical knowledge and comparative electoral experience. This type of EMB structure is useful in deep-rooted conflict situations where there is a need for consensus building through mediation and dialogue. The presence of international experts on the EMB may bolster domestic and international stakeholder confidence in supporting the electoral process.

40. Transitional EMBs may also consist of nationals only, often mainly political party representatives: an example was the 53-member EMB of Indonesia in 1999. This EMB was larger than usual in order to ensure representation and inclusiveness. In 2001, Indonesia amended its electoral law to provide for an 11-member expert-based EMB.

Representation of the EMB before Cabinet and the Legislature

41. No matter what the model or type of EMB, it needs to deal with the executive branch of government and the legislature on issues such as electoral law and budgets. It is a good practice for a multiparty committee of the legislature, such as the Joint Standing Committee on Electoral Matters in Australia, to deal with EMB matters, and for a member of the Cabinet to handle all EMB issues in Cabinet and also to speak on its behalf in Cabinet and the legislature. For a governmental EMB, the relevant minister would usually be from the department within which the EMB is located.

42. Unless an independent EMB within an Independent or Mixed Model also has somebody to speak on its behalf – a task which may be allocated to a specified minister – it is difficult for matters pertaining to the EMB to attract sufficient attention from either the legislature or Cabinet. For example, the arrangement in Namibia under which the speaker handles all EMB matters, including electoral law and the EMB budget, has in the past presented some problems for the EMB because the speaker is not represented in Cabinet, and Cabinet rules in Namibia state that proposals for legislation must first be presented to Cabinet by one of its members. A crisis over delays in electoral law reform in 2003 led to the appointment of a temporary 'guardian' minister to the EMB and a review of the relationship between the EMB and the Cabinet.

Table 5: Advantages and Disadvantages of the Three Different Electoral Management Models

	Advantages	Disadvantages
Independent	• Provides a conducive environment for the development of electoral corporate identity and staff professionalism • Is less likely to be subject to restrictions on who can be involved in electoral management, as it may be able to draw on outside talent • Concentration on electoral business may result in better planning and more cohesive institutionalization of election tasks • Is in control of its own funding and implementation of electoral activities • Electoral administration tends to be under unified control even if different service providers are used • Electoral legitimacy is enhanced as the EMB is perceived to be impartial and not subject to political control	• May be isolated from political and electoral framework decision makers • May not have sufficient political influence to acquire sufficient or timely funding • Member turnover may reduce corporate experience and institutional memory • May not have the skills or experience to deal with bureaucratic and corporate environments • May be higher-cost, as institutional independence makes it difficult to co-opt low-cost or no-cost governmental structures to assist in electoral implementation
Governmental	• Has self-renewing corporate memory and sustainability • Has available a pool of bureaucratically experienced staff • Is well placed to cooperate with other government departments in providing electoral services • Has cost advantages through resource synergies within and between government departments • Has a power base and influence within government	• Credibility may be compromised by perceptions of being aligned with the current government or subject to political influence • Is subject to internal decisions of government departments or local authorities on funding allocations and electoral policies • May not have staff with the appropriate electoral skills • Bureaucratic style may not be appropriate to electoral management needs • Electoral administration may be fragmented among a number of arms of the executive branch of government with differing agendas
Mixed	• Credibility of prominent members of independent EMB may enhance electoral legitimacy. Implementation EMB has self-renewing corporate memory and sustainability • Has available a pool of bureaucratically experienced staff augmented by outside independent talent • Implementation EMB is well placed to cooperate with other government departments in providing electoral services • Independent EMB is in control of its policies and funding. Implementation EMB has cost advantages through resource synergies within and between government departments • Dual structure provides checks independent of external observation	• Credibility may be compromised as electoral activities are implemented by governmental bodies and monitoring powers may not be sufficient to rectify electoral irregularities • Member turnover in independent EMB may reduce corporate experience and institutional memory • Independent EMB may not have sufficient political influence to acquire sufficient or timely funding. Implementation EMB is subject to internal departmental or local governments' decisions on funding allocations and electoral policies • Independent EMB may be lacking in real-world political skills. Implementation EMB bureaucratic style may not be appropriate to electoral management needs • Electoral administration may be fragmented among a number of arms of the executive branch of government with differing agendas

Some Guiding Principles for All EMBs

43. No matter which model is used, every EMB should be certain that it can ensure the legitimacy and credibility of the processes for which it is responsible. This can be done if electoral management is founded on fundamental guiding principles:

Guiding principles for EMBs:

- independence;
- impartiality;
- integrity;
- transparency;
- efficiency;
- professionalism; and
- service-mindedness

These guiding principles form the basis of electoral administration and are essential to ensure both the actual and the perceived integrity of the electoral process.

Independence

44. EMB independence is one of the most hotly debated issues in election administration, yet there is still no clear, accepted view on what EMB independence really means. Partly this is because the term 'independent' embraces two different concepts – that of structural independence from the government (the 'Independent Model' of electoral management); and that of the 'fearless independence' expected of all EMBs, no matter which model is used, in that they do not bend to governmental, political or other partisan influences on their decisions. The two are separate issues, one being formal and the other normative; nonetheless, they are seen as being linked in that the Independent Model of electoral management is regarded in many parts of the world as the model most likely to ensure an EMB's independence of decision and action.

45. Institutional or 'structural' independence can only be found in the constitution or the law. The simplest way to promote independence of decision and action in an EMB is to create a legal framework that embeds EMB independence, as provided in the constitutions and principal EMB laws of many countries, as in Mexico and Uruguay. While this is always feasible with the Independent Model of electoral management and may be feasible when the Mixed Model is used, it may be more difficult to embed, apart from strict requirements for impartiality of action, under the Governmental Model, given the integration of the EMB(s) into ministries or local governments.

46. For both Independent and Mixed Model electoral management, both a culture of independence and the commitment of EMB members to independent decision making are more important than the formal 'structural' independence. A strong leadership is important for

maintaining an EMB's independence of action. For example, a senior member of the judiciary may fill the position of chair of an independent EMB within the Independent or Mixed Model. Such a link to the judiciary may make undue interference by the government or opposition parties in EMB operations less likely. However, it would not be appropriate where the judiciary is not regarded as impartial or free of corruption, or does not have enough members for it to be possible to avoid conflicts of interest in election-related court cases. Countries which use judges or former judges as EMB chairs include Australia, Brazil, Costa Rica and Zambia.

47. Alternatively, the appointment of a respected public figure, a person who is known for political non-alignment, may advance the independence of the EMB. Some countries, like Burkina Faso and Mozambique, provide for the appointment of a civil society leader as the EMB chair. In governmental EMBs the appointment as executive head of a public servant who is known for his or her integrity and unwillingness to be politically directed, as has been the case in Northern Ireland, can have a similar effect.

Impartiality

48. To establish the integrity and credibility of electoral processes and promote the widespread acceptance of election results, it is critical that an EMB not only conducts electoral events in a fearlessly independent manner, but that it is impartial in its actions. Without impartiality of electoral management and independence of action, the integrity of the election is likely to fail, and it can be difficult to instil widespread belief in the credibility of electoral processes, especially among the losers.

49. Every EMB is expected to manage elections impartially. Irrespective of the model under which the EMB exists, its source of accountability, management control or funding, it should treat all election participants equally, fairly and even-handedly, without giving advantage to any political tendency or interest group.

50. In theory, an independent EMB made up of non-aligned 'expert' appointees might be best able to achieve this. Other independent EMBs, for example where nominees of the contesting political parties are appointed to the EMB, may have a more difficult time establishing their credentials with the public as completely impartial bodies. Except in those countries that have a tradition of a non-aligned civil service, the decisions and activities of EMBs under the Governmental or Mixed Models may potentially be publicly regarded as likely to favour the incumbent government.

51. On the other hand, governmental EMBs in some countries which use the Mixed Model – such as Spain – and some countries which use the Governmental Model – such as New Zealand and Sweden – are generally regarded as impartial. Conversely, some EMBs which follow the Independent Model may be independent in name but not in nature. Impartiality may be imposed by the legal framework or EMB structure, but it has to be put into practice through the EMB's behaviour and attitudes to its stakeholders. Impartiality is a state of mind more than a statement in law, although this state of mind can be encouraged by effective external review of EMB decisions and an EMB code of conduct with strong sanctions.

52. It is important that EMBs be seen to be impartial by the general public. The best way to achieve this is through transparent actions backed by vigorous marketing and public relations efforts.

Integrity

53. The EMB is the primary guarantor of the integrity and purity of the electoral process and EMB members have the direct responsibility for ensuring this. Integrity may be easier to maintain if the EMB has both full independence of action and full control of all essential electoral processes. Where other bodies have electoral functions, EMBs need to be empowered to monitor their activities closely to ensure that they meet the highest integrity standards.

54. Electoral law or EMB regulations benefit from incorporating clear powers for the EMB to deal with electoral officials who threaten electoral integrity by acting to benefit political interests or who are corrupt. Ignoring such problems can create larger public issues of integrity and credibility than the public use of disciplinary powers will. To the extent possible, it is in the EMB's interests to ensure that breaches of the electoral laws, rules and codes of conduct are followed by appropriate sanction. A more detailed discussion of principles of electoral integrity may be found in the Electoral Integrity Module of the ACE Electoral Knowledge Network at <http://www.aceproject.org>.

Transparency

55. Transparency in operational and financial management lays out for public scrutiny the decisions and reasoning of the EMB. Transparency is a basic good practice for all EMB activities. It can assist an EMB to combat perceptions of and identify actual financial or electoral fraud, lack of competence or favouritism towards particular political tendencies, and can enhance the EMB's credibility. Electoral transparency may be backed by electoral law, as exemplified by the requirement that the EMB inform the public of its activities, as in Indonesia. It may be a practice required by the EMB's code of conduct, or may be adopted as an EMB policy, an example of which is the frequent media briefings and releases, and stakeholder consultations undertaken by the Liberian EMB for the 2005 elections. The absence of transparency in electoral processes invariably leads to the suspicion that fraudulent activities are taking place. For example, where observers and the public are unable to access progressive vote count and aggregation data, and there are significant delays in announcing and validating election results – as in Belarus and Ukraine in 2004, and in Ethiopia in 2005 – then the credibility of the election suffers.

Efficiency

56. Governments and the public expect that funds for elections will be used wisely and services delivered efficiently. In the face of expanding and ever more expensive technological solutions, and demands for increased effort in high-cost areas such as voter education and information,

EMBs have to be careful that their programmes sustainably serve electoral efficiency, as well as integrity and modernity.

57. A successful EMB is one that has displayed integrity, competence and efficiency. These qualities help to generate public and political party confidence in election processes. The legal framework can assist by defining efficient standards for electoral and financial management. However, sometimes members of an EMB may be unfamiliar with electoral practices and procedures; at other times they may be unused to dealing with contracting for equipment and materials in a cut-throat corporate environment. The resulting inefficiency in election organization may be confused with corrupt and fraudulent behaviour, leading to more serious challenges to the EMB's credibility.

Professionalism

58. There are a number of elements of professionalism in electoral management. Meticulous and accurate implementation of electoral procedures, and suitable skilled staff, are both key elements for the delivery of credible elections. EMBs need to ensure that all election officials, whether core staff or temporary workers, are well trained and acquainted with the necessary skills to apply high professional standards in the implementation of their technical work. Professional training prompts public trust that the entire process is 'in good hands'. However, while a continuous training and skill development programme is an essential part of creating and maintaining a professional electoral management body, professionalism depends just as much on the attitude of every member and secretariat staff person. A personal commitment by each individual in an electoral management body to equity, accuracy, diligence and service in all they do, and to self-improvement, is necessary to maintain professionalism in electoral management.

59. Visible professionalism in an electoral management body also gives political parties, civil society, voters, donors, the media and other stakeholders the confidence that electoral managers are capable of undertaking their tasks effectively. A lack of visible professionalism in electoral management, on the other hand, will lead to public suspicions of inaccurate and perhaps fraudulent activity, and a lack of trust. It will make it easier for complaints from election losers to find public support, whether the complaint is valid or not.

Service-mindedness

60. EMBs do not only have a responsibility to provide service to their stakeholders – it is the major reason for their existence. Developing and publicizing service delivery standards for all their activities provides both internal motivators for EMB members and staff to provide high-quality service and external yardsticks for stakeholders to assess the EMB's performance. Some basic service standards are often included in the electoral legal framework, as in Canada: these include time-based standards such as deadlines for announcing election results, compiling the electoral registers, distributing voters' identification (ID) cards, or distributing information on voting locations.

61. Further useful service delivery standards can be adopted by the EMB itself as part of its procedures for each electoral process. These may be time-based service standards such as the average, maximum and minimum times voters spend queuing to receive ballot papers, the time within which an enquiry from a member of the public will be answered, or the average time taken to process voter registration data for an elector. They may be quality-based standards such as the percentage of electors being refused a vote due to errors on the electoral register; the proportion of materials missing or not delivered on time to polling stations; the proportion of polling stations that did not open on time on election day; or the accuracy and timely availability of preliminary voting results.

62. As well as such hard facts, stakeholder perceptions of EMB service performance are critical in influencing public judgements of the integrity and the effectiveness of the EMB. Post-election evaluations are a good way to review stakeholder perceptions of EMB service delivery. These may be conducted by the EMB itself. They may equally be external, for example as part of the EMB's accountability responsibilities – such as review by the legislature of EMB performance.

CHAPTER SUMMARY

- Elections are complex and specialized processes which are most effectively managed by a body with specific electoral management responsibilities.
- An electoral management body (EMB) is an institution or body founded for the sole purpose of managing some or all of the essential elements of electoral management, which include:
  - determining who is eligible to vote;
  - receiving and validating the nominations of electoral participants (for elections, political parties and/or candidates);
  - conducting polling;
  - counting the votes; and
  - tabulating the votes.
- Essential and other electoral tasks may be conducted by a single body, or be allocated to multiple bodies.

- There are three broad models of electoral management:
  - Independent Model
  - Governmental Model
  - Mixed Model
- Each Model of electoral management may encompass one or more EMBs with varying functions.
- A key characteristic of an Independent Model of electoral management is that it consists of an EMB (or sometimes two) that is institutionally independent from the executive branch of the government. In the Governmental Model, on the other hand, EMBs are part of and accountable to the executive branch of government.
- A Mixed Model typically consists of two component EMBs: an independent EMB with policy and/or monitoring powers, and a governmental EMB responsible for the implementation of the electoral process.
- Each model of electoral management has some basic attributes, but also many variations. The way in which EMBs work depends not merely on the model used, but on other electoral framework, social, cultural and political factors.
- There are many types of electoral management bodies within the three broad models. EMBs may be permanent or temporary, and may be centralized or decentralized to varying degrees. Each structure has its advantages and disadvantages that need to be carefully assessed according to the particular country's conditions.
- Special coordination considerations may be necessary for EMBs in federal countries and in transitional environments where an international presence on the EMB may assist in conflict management.
- EMBs preferably have an allocated minister to represent their views to Cabinet and a multiparty committee of the legislature dealing with electoral matters.
- No matter what model is used, all EMBs need to follow some guiding principles, which include independence of decision making and action, impartiality, integrity, transparency, efficiency, professionalism and service-mindedness. These principles are sometimes more fully achieved under the Independent Model than by the other models.

CASE STUDY: Norway

Norway: Governmental, Decentralized – and Trusted

Kåre Vollan

There is no straightforward answer to the question which body meets the definition of an EMB in Norway. The administrative and legal responsibility for elections is divided, both in terms of decentralization from national to local level and between bodies at central level. A single unified structure with a central body from which the local bodies take their powers does not exist.

At central level, the Ministry for Local Government (Kommunal- og regionaldepartementet) fulfils most of the core tasks of an EMB. However, there is also a National Electoral Board (Riksvalgstyret, NEB) with limited authorities, and Parliament itself has the final say in certifying – approving the election of – its own elected members.

The NEB and the Parliament have roles only at parliamentary elections. Local elections are managed by the local authorities, under the supervision and partial instruction of the Ministry for Local Government.

Elections in Norway

Elections are held to assemblies at three levels of administration:

- the Parliament (Stortinget) at national level;
- the 19 county assemblies (fylkesting); and
- the 431 municipal councils (kommunestyrer).

(Elections to the Same Parliament (Sametinget) which is a representative assembly elected by the indigenous Same people according to a law of 1987 (Sameloven), fall outside the scope of this study.)

Of the 169 members of the Parliament, 150 are elected as county representatives under a List PR system while 19 are elected as members at large to compensatory seats whereby any deviation from a nationwide proportional result is compensated for. The term in office for all elected assemblies is four years. The periods of office are staggered, with county and municipal elections being held simultaneously two years after the parliamentary elections. None of the bodies can be dissolved and there are no by-elections. Elections can therefore be planned a long time in advance.

Historical Background

Norway has had an elected Parliament since 1814. Until 1906 the voters elected electors who in turn elected the members of the Parliament, but since then the Parliament has been directly elected. The suffrage included all men from 1898 and from 1913 all women as well. Directly elected municipal councils were introduced as early as in 1836 (with a limited voting right).

Election administration has never been regarded as anything different from other public services, and the conduct of elections has therefore been left with the regular administrative and elected bodies. Local and parliamentary elections have been conducted by the elected local authorities, assisted by the local administration.

Until 1985, the election authorities were:

- the executive boards of the municipal councils, elected under a proportional system by the councils and consisting of members of the councils. They were the highest political board of the municipality, and were led by the mayor. The boards would in turn appoint polling station staff, using the municipal administration to assist them. They managed polling for all kinds of election. For municipal elections, the boards issued the certificates confirming their election to the successful candidates; and
- the county electoral boards, elected by proportional election by the county council assemblies. These would collect the protocols of the election results from the municipal executive boards for elections to the county assemblies and the Parliament, and issue certificates to the elected members of the county assembly and to the county's members of Parliament.

At its first meeting, the Parliament would approve the validity of the elections. Any complaints about the election would be adjudicated by the executive board for municipal elections, by the county electoral board for county assembly elections, and by the Parliament itself for parliamentary elections. For all elections, the Ministry for Local Government would issue directives and instructions and supervise when needed.

In 1985 a new election law was adopted, consolidating the provisions for elections at all three levels for the first time. Before that there had been one law for parliamentary elections and one for the two local levels. The main change to the election administration was the introduction of a National Electoral Board. This body is appointed by the government, and has representatives from all parties with representatives in the Parliament (not by law but by common practice). The introduction of the NEB was not prompted by any identified need for an independent EMB; rather it arose from the need for a body to allocate the compensatory mandates at national level, which was introduced by this law. After this the certification of the elected members of the Parliament was done by the NEB, even though the final say on the validity of the elections in part or as a whole was still kept with the Parliament itself. The NEB was not given any overall authority to oversee or supervise the elections.

In 2002 a further new election law was adopted. Despite proposals for drastic changes to the election administration, this law essentially represented a streamlining of the legal texts, although it introduced some important modifications to the system of representation and to the conduct of elections. The most important change to the administration of elections was that the NEB was given authority to adjudicate appeals on parliamentary elections raised at any level. For appeals regarding the right to vote the Parliament is the final authority but in any other case the NEB has final adjudicating powers (apart from any criminal procedure against persons). The Parliament would still make the final decision on the validity of the election as such and decide on any repeat election. At municipal level, the municipal council can now

decide either that the executive board should administer elections itself, or that it can elect a separate municipal electoral board. In the latter case, the political composition of the electoral board reflects the composition of the municipal council in the same way as the composition of other commissions of the council does.

The Legislative and Institutional Framework

Elections are regulated by the constitution and by the Election Law of 2002. The constitutional provisions relate only to parliamentary elections. They give the responsibility for conducting elections to the municipalities, and state that the keeping of electoral registers and the manner in which the polls are conducted shall be regulated by law. The constitution lays down the role of the Parliament in approving the credentials of its elected members, and also gives the Parliament the power to determine appeals against determinations of disputes regarding the right to vote.

Following further amendment in 2005, the Election Law defines the following election bodies:

- the election boards, elected by the municipal councils;
- the polling station committees, appointed by the municipal councils or on their decision by the election board;
- the county election boards, elected by the county assemblies; and
- the National Electoral Board, appointed by the government in years when there is a parliamentary election.

The first two bodies have a role in all elections, the county election board has a role in elections to the county assemblies and the Parliament, and the NEB has a role in parliamentary elections only.

There is a separate Party Law from 2005 regulating among other issues the registration necessary for a party to nominate candidates for elections. The administrative responsibility for party registration is given to the national administrative body which registers companies. The government appoints a party law complaints commission, led by a judge, to adjudicate complaints regarding party registration and financing.

The administrative authority for conducting elections is thus highly decentralized. At central level there is one multiparty body (the NEB) with limited formal authority. Otherwise, most tasks at national level are carried out by the Ministry for Local Government. However, other administrative bodies are involved in elections. Electoral registers are extracts of the civil registers administered by a unit under the national tax authorities. Appeals may be filed to a committee appointed by the ministry.

The Ministry for Local Government

The ministry's responsibility for elections falls into three areas:

1. *Laws, rules and regulations.* This includes the preparation of any changes to the laws regulating elections, the issuing of detailed instructions within the legal framework, and support for election administrators and the public in interpreting the law and the instructions.

2. *The conduct of elections.* The ministry's functions include the provision of detailed instructions, including the definition of electoral procedures; the production of election material, including forms and the design of the ballot paper; the provision of information to election personnel; advice to local administrators, including the provision of report templates; voter education campaigns; approving electronic voting (e-voting) arrangements; coordinating the information flow of election results together with the media and private information technology (IT) companies; being the secretariat for the NEB; preparing any complaints relating to parliamentary elections for the final decision of Parliament; and adjudicating complaints for local elections.
3. *Budget and budget control.* The ministry administers and controls the budget for elections and election budgets are set at each level. At national level the budget (less than 20 million euros, EUR) covers those expenses which follow from the legal requirements. For parliamentary elections this includes some expenses at local level as well. Otherwise, expenses occurring at local level are covered by local budgets.

For local elections, complaints are adjudicated by the Ministry for Local Government as a final instance. The ministry may order a repeat election if necessary if a fault has had an impact on the results.

In the ministry there are five to six persons working on elections, none of whom are full-time at all times. The election boards at municipal level are the main authorities responsible for keeping skilled election staff.

The National Electoral Board

The NEB is not a permanent body and its term ends when the parliamentary elections are certified. The NEB has at least five members. Each party with representatives in Parliament proposes one man and one woman, and the government appoints one as a member and one as the member's alternate. The authority of the NEB is limited to:

- distributing the national compensatory seats;
- issuing certificates to all elected members of the Parliament and informing the county electoral boards about the results; and
- adjudicating complaints. In issues regarding the right to vote, the Parliament is the final instance, after having heard the NEB: in other issues the NEB is the final adjudicator. The final decision on the validity of a parliamentary election and on any repeat elections in a municipality or county rests with the Parliament itself.

Electoral Reform and New Technology

In both 1985 and 2002, political debate on issues regarding the system of representation led to the appointment by the government of a commission, with both expert and political representation, with the mandate of proposing reforms.

Other reforms may start as initiatives by the Ministry for Local Government or the municipalities. Proposals for technological change often come from the municipalities, which have an interest in saving money and making the process more effective. The extent to which e-voting should be introduced in Norway is an example. Municipalities, often lobbied by IT

suppliers, have conducted some pilots, and a government commission issued a report proposing a strategy on e-voting in February 2006.

Opportunities and Constraints

The Norwegian approach to electoral management has never been seriously challenged by the political contestants. Generally speaking, the government administration enjoys a high level of trust and confidence for its integrity and independence, despite being subordinate to politically appointed ministers. Elections have not been seen particularly to need independent administration. On the rare occasions when serious mistakes have occurred (for example, when the IT system for marking the electoral registers broke down in Oslo during the 1993 parliamentary elections), these have been seen as incidental lapses. Fundamental questions regarding the organization of elections have not been raised.

The structure of electoral management was last assessed by an election reform commission which submitted its report in 2001. Inspired by the UK model, an independent election commission was proposed with mainly policy tasks and with few direct administrative duties. This proposal arose rather from the perceived advantages of having a body to concentrate mainly on election reform, leaving electoral administration with the regular parts of the government administration, than from a call for greater independence in the administration of elections. Such a commission would have been more in line with international trends and with standards being recommended in new democracies.

The proposal would, if implemented, have established a permanent election commission with the following duties:

- the registration of political parties;
- assessment of the legal framework and the modernization of the election processes;
- securing the rules for early voting;
- overall responsibility for the maintenance of the electoral registers;
- the calculation and publication of results from the counties after parliamentary elections;
- the conduct of voter information campaigns;
- the promotion of research regarding elections;
- the management of tests and pilots on election reform; and
- contact with other countries' EMBs.

The commission would have been appointed by the Parliament, with members who would have been election professionals rather than representatives of political parties.

The proposal did not win much support, mostly because the current arrangements work well. Nor was a second proposal, to transfer the administrative work on elections from the Ministry for Local Government to the department of the tax authorities which maintains the civic register, adopted. The principle of 'If it ain't broke, don't fix it' has so far proved decisive in the decision-making process about Norway's electoral administration.

CASE STUDY: Zimbabwe

Zimbabwe: A New Era in Election Management

Belinda Musanhu

Historical Background

After independence in 1980, the new government of Zimbabwe introduced a new electoral system (First Past the Post) and established an electoral management structure, which included the Delimitation Commission (DC), responsible for the delimitation of electoral districts, and the Electoral Supervisory Commission (ESC), charged with supervising the conduct of elections. Elections would be managed by the Registrar-General of Elections (RG), who was responsible for registering voters, compiling the electoral registers, conducting the voting and the vote-counting, and the announcement of the results, with the logistical support of the Election Directorate, a committee made up of representatives of several government ministries. The RG's department fell under the Ministry of Home Affairs.

This structure was criticized because of its perceived partisanship. The two commissions – the DC and the ESC – were appointed by the president, who, although he was required to consult the chief justice and the Judicial Services Commission (JSC), was not compelled to abide by their recommendations. The RG and Election Directorate are both part of the executive, and included officials who had a vested interest in the outcome of the elections.

In late 2004, bowing to internal and external pressure, new legislation was adopted that introduced the Zimbabwe Electoral Commission (ZEC), the Registrar-General of Voters and the Electoral Court. Constitutional Amendment no. 17 finally abolished the ESC in 2005.

The Legislative Framework

The legal framework for elections in Zimbabwe consists of the 1979 constitution, as amended in 2005, and the Electoral Commission Act (chapter 2:12) and the Electoral Act, both promulgated in 2004. The legislation provides for the conditions under which elections are to be held as well as the electoral system to be used. The Electoral Commission Act provides for the operation of the ZEC, while the Electoral Act provides for the conduct of the electoral process, including the operations of the Registrar General of Voters.

Institutional Structure, Powers and Functions

Three bodies are charged with managing election-related activities in Zimbabwe:

1. The *Delimitation Commission* is appointed by the president. The chairperson is the chief justice or another judge of the High Court or Supreme Court recommended by the chief justice. In addition to the chairperson, three other members are appointed on the recommendation of the chief justice. The DC is responsible for the establishment of electoral district boundaries at least once every five years. The president may also request a revision of the boundaries before the end of a five-year period.
2. The *Zimbabwe Electoral Commission.* In addition to a chairperson who must be qualified to be a judge of the High Court or Supreme Court, and is appointed by the president in consultation with the JSC, six other commissioners, of whom at least three must be women, are appointed from a list of nine nominees submitted by the Parliamentary Committee on Standing Rules and Orders.

The ZEC is responsible for:

- preparing for, conducting and supervising all parliamentary and presidential elections and national referendums;
- directing and supervising the registration of voters, and the compilation and storage of the electoral register;
- designing, printing and distributing ballot papers and other election material, and establishing and operating polling stations;
- conducting voter education and voter information campaigns; and
- accrediting election observers.

3. The *Registrar-General of Voters.* The RG is responsible for registering voters and for compiling and maintaining the electoral register.

The structure is completed by the Electoral Court, which consists of judges and former judges. It is appointed by the JSC and has the same status as the High Court. It is responsible for adjudication of election-related disputes.

Funding

Historically, elections in Zimbabwe have been adequately funded, through the executive branch. This has, however, now changed, as the amended section 61 of the constitution states that the ZEC will be funded from the Consolidated Revenue Fund. The ZEC may also receive funding from foreign sources to conduct voter education in conjunction with non-governmental organizations. In the March 2005 parliamentary elections, as well as in the September 2005 elections for the Senate, there was an evident shortage of election material and election staff. Nevertheless, it is important to note the achievements of the ZEC in increasing the number of polling stations and purchasing the translucent ballot boxes that were used in March 2005.

Accountability

According to subsection 5 of section 61 of the constitution, the ZEC shall not be subject to the direction or control of any person or authority in the exercise of its duties and functions, or in the organization of its staff procedures and processes. This is a welcome change from the previous arrangements when the law did not explicitly grant the former ESC this autonomy.

The lines of accountability have also become clearer as the RG reports to the ZEC in all matters related to voter registration and the electoral register. The involvement of Parliament in the appointment process introduces an element of transparency which was lacking in the past, and compensates to some extent for the fact that final appointment is still done by the president.

Professionalism

From the technical and administrative points of view, voting and counting have always been conducted efficiently, and Zimbabwean election officials have been applauded for their knowledge of their duties. However, successful legal challenges have exposed flaws in the electoral register which can only be attributed to administrative inefficiency or deliberate fraud. Following the March 2005 elections the ZEC was criticized for announcing differing results at different times, without being able to provide a clear explanation.

Relations with the Media

In the past, a good relationship existed between the EMBs and the state-controlled public media, while relations with the private media were poor. During the March 2005 elections, for the first time in a long time, the EMBs' election-related advertising and voter education material were placed in both the public and the private media. This is prompting a new era of cooperation between the EMBs and the private media.

Relations with Other Institutions

Relations between the EMBs and with non-state actors, including NGOs and opposition political parties, have in the past been strained at best and hostile at worst. However, there was a discernible thaw in relations in the run-up to the March and September 2005 elections. The ZEC displayed openness to discussing issues and cooperating with key electoral stakeholders. It should be noted, however, that problems remained, such as the failure to allow political parties access to the electoral register, which has been a perennial sore point in the EMBs' stakeholder relationships.

Sustainability

Election processes have always been well funded in Zimbabwe. The key challenge has been institutional funding. For many years, members of the former ESC complained of inadequate funding for administrative and staffing costs. According to section 61 of the constitution, the ZEC should receive sufficient funds from the Consolidated Revenue Fund to enable it to carry

out its functions properly. This and the streamlining of the electoral management system lay down good grounds for the future sustainability of the current arrangement. It should, however, be noted that voter registration and delimitation of boundaries still take place outside the ZEC – a situation that may need to be reviewed from the point of view of cost-effectiveness.

Electoral Reform Management

The management of the electoral reform process in Zimbabwe used to be poor. At one point the reforms actually added to the multiplicity of EMBs which had necessitated the reforms in the first place. For the March 2005 elections, the ZEC was expected to be accountable for some processes which had already taken place before it was appointed, such as the key stages of voter registration and boundary delimitation. The latest round of reforms, and particularly Constitutional Amendment no. 17 of 2005, mean that the ZEC has became a constitutional body funded by a separate budget, which will improve its stature and efficiency. There is still room for further reforms, possibly giving the ZEC the responsibility for the demarcation of electoral district boundaries as well as bringing voter registration and the management of the electoral register under the commission's full control.

Local authority elections and regular by-elections will both be opportunities to put the new electoral management system to the test before crucial presidential and parliamentary elections in 2008 and 2010, respectively. These elections will allow the ZEC to assess its own preparedness for the logistical and administrative requirements of national elections as well as giving the different EMBs time to rationalize their relationships.

More significantly, however, these elections will be useful in assessing the impartiality and independence of the EMBs. In the past, criticism of the EMBs stemmed from the fact that they were appointed by the president and from their lack of financial autonomy. The new reforms have changed this situation, with a process of appointment that now involves Parliament, and the provision of institutional funding. It will remain a constant challenge for the ZEC to protect itself from actual and perceived political manipulation, particularly in the highly polarized political environment in Zimbabwe.

CASE STUDY: Spain

Spain: Mixed Model Electoral Management Becomes Well Established

Pedro J. Hernando

The first democratic elections in Spain after the Franco dictatorship were held in 1977, under the Royal Decree Law (RD Law) on Electoral Norms of 18 March 1977, to elect the parliamentary chambers that drew up the Spanish constitution of 1978.

Article 23(1) of the 1978 constitution recognizes the right to political participation. Articles 66 onwards establish the constitutional conditions for electing the members of the Congress of Deputies and the Senate, deciding the basic issues including the number of members, eligibility criteria, and conflicts of interest, or incompatibilities between the position of an elected member of Congress or the Senate and other work or positions. The constitution also requires that there be an organic law to regulate the entire electoral process, including the electoral administration, which is entrusted with overseeing all the aspects mentioned above.

The Organic Law on the General Electoral Regime (LOREG) was approved in 1985, drawing on the RD Law of 1977, and has continued in force to this day, with major amendments introduced in 1994, 1995, 1999 and 2003. During this period, and under the supervision of the central, regional, provincial and zonal electoral boards *(juntas electorales)*, six elections have been held under completely normal conditions (in 1986, 1989, 1993, 1996, 2000 and 2004) in which Spain has consolidated its democratic system and the channels of political participation.

Institutional Structure

Spain has a decentralized system of autonomous governments based on a territorial distribution of power, that is, there are three levels of elections – national elections (to the Congress and Senate), elections in the autonomous regions (to the legislatures of the 17 *comunidades autónomas)* and local elections. At all levels the Organic Law provides that elections and referendums will be conducted under the full supervision of the electoral boards – the Central Electoral Board (Junta Electoral Central, JEC), with the support of the regional, provincial or zonal electoral boards in the respective elections. All are independent bodies. Under this arrangement, the JEC and the lower-level electoral boards are broadly responsible for the establishment of policy on the administration of elections within the framework of the electoral law and for oversight of the implementation of electoral administration and logistics by the polling station committees and civil servants who are assigned these tasks.

This supervision of electoral processes by the electoral boards is reinforced by an arbitration procedure which must be used before complaints and appeals on electoral issues can be brought before the judicial system.

The JEC, with its quasi-judicial composition (see below), is a permanent body, while all the other boards operate on a temporary basis during election periods only.

EMBs at the various levels are organized in a hierarchical manner. The JEC is the policy-making organ. Its decisions are binding for all other boards.

The JEC has 13 members. Eight are members of the Supreme Court, while the other five are professors of law, political science or sociology, chosen on the basis of proposals made jointly by the parties represented in the Parliament. In addition, the secretary general of the Congress and the director of the Electoral Census Office of the National Institute of Statistics (the body in charge of drawing up the electoral registers) are non-voting members of the JEC.

The composition of the lower-level electoral boards follows the same structure, although each has only five members, and the levels of judicial or professional qualification required of their members are not so high. None of the members of the electoral boards may be removed from office except when found to have committed a crime or an electoral infraction that is verified by the electoral board immediately superior to it in the hierarchy.

Powers and Functions

The electoral boards do not come under any other public agencies or branches of government. They are autonomous, neutral and independent entities within the organizational structure under the JEC which operate in their functional areas of responsibility.

Their duty, as defined in article 8 of the Organic Law, is to guarantee the transparency and objectivity of the electoral process, and that elections are equal and their conduct legal. To do this, their work is supported by the polling station committees *(mesas electorales),* made up of citizens chosen by lottery, who conduct the polling and counting of votes and ensure that the process is conducted properly on election day. The Ministry of the Interior, together with local governments and the Electoral Census Office, provides the necessary logistical support throughout the process, working at all times under the direct oversight and direction of the JEC and the other boards.

The work of the boards consists of processing, sanctioning and resolving election-related matters. The appeals procedure culminates with the JEC as the last resort, although there may be an optional final remedy to appeal to the regular courts or the Constitutional Court in cases brought to uphold the constitutional rights of citizens.

The main functions of the JEC include:

- directing the activity of the Electoral Census Office, the organ entrusted with drawing up the electoral registers and organizing postal voting (in coordination with the postal service);
- giving instructions (which are binding) to the lower-level electoral boards on any election-related matter;
- ruling on any requests for opinions forwarded to it by the electoral boards, overturning those that contradict the interpretation of the JEC, and thus unifying the criteria by which the electoral laws, regulations and norms are interpreted. Its rulings are binding;
- coordinating, in conjunction with the central government or the regional administration *(comunidades autónomas),* the formal and practical organization of the elections, including

deciding the voting schedules, the design, production and distribution of electoral protocols and ballot papers, the design and distribution of ballot boxes, the issuing of accreditations, and the organization of the count;
- resolving complaints, claims and appeals pursued in relation to election matters;
- ensuring that the campaign accounts and expenditure of all candidates and parties during the electoral campaign period comply with the relevant laws and regulations; and
- declaring the election results and formally accrediting the elected authorities and representatives in each election.

Each of the lower-level electoral boards performs these functions within its own area of authority.

Financing and Accountability

The JEC is the only permanent EMB. For its material and human resources it is entirely dependent on the Congress of Deputies, and is financed out of its budget. The lower-level electoral boards operate only during the electoral period, and their financing corresponds to their temporary nature. Their expenditures are financed from the general budget of the state through the executive branch, which ensures that their members are compensated for their work and that operational expenditures are covered.

There are no specific provisions in the legislation for the scrutiny of expenditures, since the staff of the electoral boards are normally members of the civil service who are temporarily assigned to election functions, and the administrative services that are in charge of organizing the electoral process meet the costs out of their own budgets and administer the expenditures.

The Professionalism of Electoral Officers

The members of the electoral boards are dedicated exclusively to their electoral functions during election periods, but do not receive special remuneration for their work on the electoral boards except for daily allowances. They continue to receive their usual salaries from their original places of work.

The polling station committees are responsible for the conduct of the voting and vote counting. The members of these committees are not professionals either. They are chosen by lot in the municipalities from among all registered electors over 18 years of age and under 65 years of age who are literate. The chairperson of each committee *(mesa)* is required to have completed secondary school. By law, this election work is a civic duty, with little financial compensation. Failure to perform this duty can result in administrative and criminal sanctions. This system has worked so far with few problems, which reflects the healthy level of public civic engagement in Spain.

Relations with Political Parties, the Media and Other Institutions

The electoral boards' objectivity and impartiality of action have led to good relationships with both the government and the opposition parties. The professionalism shown by the members of the electoral boards throughout the years has made them respected instruments of the electoral

machinery rather than a source of partisan disputes. To facilitate relations with the political parties, at the outset of the election period each party nominates a general representative to the JEC and a representative to each of the lower-level electoral boards, who serve as the only interlocutors between the party and the EMB.

Relations with the public administration, especially with the Ministry of the Interior and the Ministry of Justice, as well as with the autonomous and local administrations, are effective and flexible, as are relations with the Electoral Census Office. Such relations enable the JEC to maintain a solid institutional memory of elections in the country.

While a major part of the role of the electoral boards lies in arbitration and quasi-judicial functions, they also have a coordination role for the allocation of free broadcasting time in the public media and the supervision of the media's coverage of the electoral campaign. Beyond this, the relationship of the electoral boards with the media is limited to providing information on issues of general interest, such as the nomination of candidates or the official proclamation of the results. They maintain a distance from election campaign coverage, which improves the public perception of them as independent functional and administrative bodies.

Electoral Reform Management

In the 20 years that the Organic Law on the General Electoral Regime has been in force, the performance of the electoral boards has been generally accepted as very satisfactory. While there is permanent discussion of the possible reform of the organic law on issues such as the party list system (Spain uses the List PR system), the proportionality of the systems for allocating seats, or the financing of elections, at no time has the work of the EMBs been called into question by those involved in the elections. The Mixed Model of electoral management established in 1977, combined with the quasi-judicial composition of the electoral boards and complemented by a state administration which is accepted as effective and impartial, seems likely to endure.

Chapter 2

Chapter 2

The Legal Framework: The Context for an EMB´s Role and Powers

How Legal Instruments Define Electoral Processes

63. The structure, powers, functions and responsibilities of EMBs are defined in those parts of a country's legal framework that deal with electoral processes. Especially in emerging democracies, the current trend is to develop a comprehensive legal framework that guarantees the independence and integrity of the electoral process, promotes consistency and equality in electoral management, and promotes full and informed participation in electoral events by political parties, civil society organizations and electors. The full legal framework for elections can be based on a variety of sources. These can include:

a. international documents, for example, article 21 of the Universal Declaration of Human Rights, which states in clauses (1) and (3) that *'Everyone has the right to take part in the government of his country, directly or through freely chosen representatives'* and *'The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures';*
b. the constitution;
c. national laws, which may take the form of one comprehensive electoral code, as in Albania, Argentina, Armenia and the Philippines. Alternatively, there may be a set of laws covering different aspects of the electoral process. Indonesia, for example, has a Law on General Elections, a Law on Presidential Elections, a Law on Political Parties, a Law Establishing the Constitutional Court (one of whose functions is the resolution of certain electoral disputes) and a Law on Local Governance which includes provisions for elections for the heads of regional executive branch of government. Some countries (e.g. Azerbaijan, Latvia, Nigeria, South Africa, Uzbekistan and Zambia) define the structure, composition and powers of their EMB in a separate law;
d. provincial or state laws, which in federal countries may govern processes for provincial or state and local electoral events (as in Australia) or for national electoral events (as in the United States);
e. ordinances and regulations made by national or lower-level authorities;
f. regulations, proclamations and directives issued by an EMB, if it has powers to do so;

g. customary laws and conventions which may be integrated into electoral law, or EMB regulations or policies, dealing with issues such as separate voter registration and voting arrangements for women and men;
h. administrative policies made by an EMB or other bodies; and
i. codes of conduct (voluntary or otherwise) which may have a direct or indirect impact on the electoral process, for example, for EMBs, election participants, observers, and election reporting by the media.

64. The organization and administration of electoral processes is complex and always involves a substantial mass of detail. It is therefore usual for it to be specified in written laws and regulations, rather than determined through unwritten tradition or administrative policy making. Written law and regulations provide the benefits of certainty, visibility and transparency, are easier to subject to judicial review, and are accessible to interested parties, including electors. The legal certainty provided by a detailed exposition of electoral processes embedded in law, backed by constitutional authority, will tend to promote confidence in the consistency, fairness and even-handedness of electoral administration, and provide clear opportunities for legal redress. The level of detail specified at different levels of the legal framework will vary from country to country, depending on factors such as systems of law and the levels of trust in EMBs' willingness and ability to make fair and consistent decisions and policies.

Further detailed discussion of the legal framework for elections can be found in IDEA's publication *International Electoral Standards: IDEA's Guidelines for Reviewing the Legal Framework of Elections (<http://www.idea.int/publications/browse/electoral.cfm>);* and the *Legal Framework Topic Area* of the ACE Encyclopaedia *(<http://www.aceproject.org/ace-en/topics/lf>).*

International Treaties and Agreements

65. Many UN member countries incorporate into their domestic law (using a variety of constitutional means) key UN decisions and treaties, such as the 1948 Universal Declaration of Human Rights and the 1952 Convention on the Political Rights of Women. In such cases, domestic electoral laws, and the EMB policies and actions, need to consider the treaties' provisions relating to issues such as universal and non-discriminatory suffrage, secret and free voting, the rights of women to be elected and hold public office, and the rights of minority language groups. Bilateral agreements between countries and regional treaties on supranational bodies (e.g. for the European Union) may also contain electoral requirements. While complementary laws are usually required to give effect to such treaties, EMB actions that contradict rights contained in ratified treaties may still be legally challengeable.

66. It is also common in the OSCE, Organization of American States (OAS), Southern African Development Community (SADC) and Economic Community of West African States (ECOWAS) regions for member countries to implement treaties and decisions adopted by such regional bodies, through either legislative or executive ratification. One example of such a regional and enforceable treaty that affects the legal frameworks for EMBs is the ECOWAS

Protocol on Democracy and Good Governance of 2001, under which member countries commit themselves to independent or impartial election administration and timely electoral dispute resolution.

67. In addition to ratified, binding treaties and decisions, there are non-binding decisions by international and regional bodies. In October 2005, the Global Declaration of Principles and Code of Conduct for International Electoral Observation was adopted by the United Nations and by a wide range of global and regional organizations. In the SADC region, the Electoral Institute of Southern Africa (EISA) and the Electoral Commissions' Forum of SADC countries (ECF) have jointly developed and adopted the Principles for Election Management, Monitoring and Observation (PEMMO), while the SADC Parliamentary Forum has established its own election norms and standards. These sets of principles, guidelines and standards serve as benchmarks against which observer missions in the region assess whether an election is free and fair.

The Constitution

68. A growing number of countries are incorporating fundamental electoral provisions in their constitutions, often including the type, composition and responsibilities of the EMB. Countries like Bangladesh, Costa Rica, Fiji, Ghana, India, Indonesia and Uruguay set up their respective EMBs as constitutional bodies. This makes it more difficult to alter the status and other constitutionally defined elements of the EMB. Constitutional provisions are almost always more entrenched than mere laws, requiring, for example, a qualified majority in the legislature or a referendum on a constitutional amendment. The barrier that constitutional entrenchment presents to ruling parties which wish to change electoral provisions to their advantage gives opposition parties a feeling of greater protection than they would have if those provisions were contained in statute law, which can be altered by a majority in the legislature, or in government regulations.

Some electoral provisions whose principles are often included in constitutions are:

- EMB independence;
- EMB composition;
- EMB term of office;
- EMB powers and functions;
- suffrage rights or voter registration qualifications;
- political party rights;
- boundary delimitation authority or parameters;
- presidential election systems;
- national legislative election systems;
- the right or qualifications to stand for election;
- the intervals or maximum intervals at which elections must be held; and
- mechanisms for settling electoral disputes.

69. The range and nature of electoral provisions which are considered appropriate to be set out in a country's constitution vary widely according to local considerations. Some examples follow.

a. Austria's constitution sets out EMB membership, the franchise, the Constitutional Court's role in electoral disputes and the electoral system.
b. The constitution of Bangladesh defines the powers, independence and functions of the EMB, the franchise, candidate qualifications, and the maximum period between elections.
c. Cameroon's constitution deals with political party rights, candidate qualifications, the intervals at which elections must be held, and the powers of the Supreme Court and Constitutional Council relating to electoral disputes.
d. In Costa Rica, the constitution establishes the independence, membership and functions of the EMB, and deals with the franchise, political party rights (including government funding), election systems and qualifications for candidacy.
e. For elections in the Czech Republic, the constitution defines the franchise, the electoral system and the maximum period between elections.
f. Ghana's constitution deals with the franchise, the establishment of the EMB, the right to form or to join a political party, and the delimitation of electoral districts.
g. In India, the constitution has provisions establishing an EMB, dealing with the franchise and the electoral register, barring the interference of the courts in electoral matters, and reserving seats for legally defined 'castes' and 'tribes' in the House of the People.
h. Madagascar's constitution sets out candidacy rights, the election systems for the Senate and the presidency, and the Constitutional Court's role in elections and election disputes.
i. The Namibian constitution enunciates the qualifications and procedures for presidential elections.
j. Peru's constitution deals with the autonomy, membership and functions of the National Elections Tribunal, which supervises electoral processes and is responsible for party registration, the announcement of the results, and electoral dispute resolution. The constitution also empowers the National Office for Electoral Processes to organize materials and logistics, funding and vote count information for all electoral events; sets out the qualifications for its chief executive; and empowers the National Registry of Identification and Civil Status to create the electoral register from its civil registry database.
k. The constitution of Romania sets out the citizens' right to elect and to be elected, and has provisions for the establishment of the Permanent Electoral Authority.

70. Similarly-targeted electoral provisions in constitutions may also be drafted in very different ways. Consider the following two examples of constitutionally defined 'independence' of an EMB:

'Except as provided for in this Constitution or any other law not inconsistent with this Constitution, in the performance of its functions, the Electoral Commission shall not be subject to the direction or control of any authority or person' – article 46 of the constitution of Ghana.
'General elections shall be organized by a general election commission of a national, permanent, and independent character' – article 22E(5) of the Indonesian constitution.

While enshrining major electoral provisions in the constitution generates confidence in the electoral system, there may be disadvantages if these provisions are too detailed. The legal framework may then be difficult to change in the light of experience because it is difficult to satisfy the conditions for amending the constitution or because of the length of time it takes to amend the constitution.

71. The extent to which electoral provisions are incorporated in the constitution is significantly affected by the level of public trust in the election administration of the country. In many established democracies where a high level of public trust exists in lawmaking and public administration in general, and the organization of elections in particular, constitutions do not make provision for the design of the EMB. Yet it is common – and not only among fledgling democracies – to have independent and robust EMBs which are supported by sophisticated and detailed legal frameworks which incorporate key electoral provisions in the constitution. The authority and clarity of the constitution foster stakeholder confidence in the electoral process.

Electoral Laws: Acts and Ordinances

72. An EMB may be established by statute, through an act of the legislature. Countries like the UK (see the case study), which has no written constitution, Australia, Burkina Faso and Canada established their respective EMBs entirely by statute law. It is generally good practice to lay down transparently the legislative framework for electoral processes and clearly allocate the responsibility for filling in the gaps and/or detail through secondary legislation or regulations or EMB administrative procedures.

73. It is good practice for such legislation to define the status of the national EMB(s) and any subsidiary EMBs, including their accountability, powers, responsibilities and functions. It is also good practice for legislation to provide a clear and sufficiently detailed framework to ensure effectiveness and integrity in all matters relating to electoral administration, such as EMB member and staff appointments and tenure; operational management issues relating to voter registration, political party and candidate registration, political campaigns, and voter education and information; EMB transparency; voting, vote counting and the announcement of results; financial and asset management issues; and electoral offences and the way in which electoral disputes will be resolved. Other issues which may be covered in electoral legislation include boundary delimitation principles and processes, and codes of conduct for EMB members and staff, political parties, the publicly-owned media and election observers.

74. Parts of the legal framework may also be enacted as secondary legislation, for example, by an EMB itself under a power to make regulations by some form of executive decree; in a federal country, by a state or provincial legislature in the form of secondary legislation; or by municipal authorities in the form of ordinances.

75. Provisions for the conduct of provincial and local elections are often contained in separate legislation. In federal countries, national and provincial electoral legal frameworks may need to be separately defined, depending on the constitutional split of powers between the national and provincial levels. Inconsistencies or overlapping provisions between national and provincial electoral legislation, for example for voter registration or voting procedures, may confuse electors. Regular consultations between federal and provincial lawmakers and electoral administrators can assist in minimizing confusion and duplication.

76. In addition, where elections to a supranational body are contemplated, national legislation is likely to be necessary to define the electoral management structure within the overall supranational agreement. Looking at the example of the European Parliament, the provisions contained in the European-level legal instruments are for the most part very general in nature, and the definition of the electoral management structure for European Parliament elections is left to each member state of the European Union.

77. As with the balance between electoral provisions in the constitution and in legislation, the balance between electoral provisions in legislation and subsidiary regulations or procedures needs to be finely judged. Electoral legislation needs to be sufficiently detailed to ensure integrity and effectiveness, but not so detailed that legislative amendment would be required to permit EMBs to deal with minor changes in their operations. Too much detail in the legislation can result in, for example, an EMB being unable to change the staffing structure in its divisions or the design of an administrative form, or to introduce office automation systems, without a change to the law. Particularly in environments where election processes take place after legislatures' terms of office have ended, electoral legislation needs to allow EMBs the flexibility to respond to changing electoral circumstances.

78. A modern electoral legislative scheme may entail one or several different laws. Traditional legal drafting for electoral legislation has often been precise but in a structure and language that are not very accessible. The legislation may become particularly difficult to understand if it is subject to successive amendments over time, without a fully revised and consolidated law being produced.

79. A single omnibus law covering all electoral activity can be cumbersome but may facilitate reference and review. Separate laws on individual issues – such as the EMB, political parties, electoral registers, elections to the legislature, presidential elections and local government elections (as in Azerbaijan and Indonesia) – provide clear and easy reference to specific electoral activities, but it may be too time-consuming or difficult to ensure that there are no conflicts of content between them. Another possible solution (as in Hungary) is that the substantive norms (such as suffrage rights, eligibility, number of election rounds and the electoral system) are embodied in separate laws (on elections to the legislature, local elections and referendums) while the electoral process is regulated in a common law that consists of a general part (binding on all types of elections) and special norms for each type of election.

80. International IDEA's publication *International Electoral Standards: IDEA's Guidelines for Reviewing the Legal Framework of Elections* discusses a number of issues to consider when designing or reviewing a legal framework for electoral management. Key considerations are summarized in box 1.

Box 1: Checklist for an Electoral Management Legal Framework

a. Does the legal framework provide for the EMB to be constituted as an independent and impartial institution?

b. Does the legal framework require and enable the EMB to operate in an impartial and transparent manner?

c. Does the legal framework protect EMB members and staff from arbitrary dismissal?

d. Does the legal framework define the accountability, powers, functions and responsibilities of the EMB at each level and relationships between the levels?

e. Does the legal framework adequately define the EMB's relationships with external stakeholders?

f. Does the legal framework provide clear guidance for all EMB activities yet allow the EMB practical flexibility in its implementation?

g. Does the legal framework allow timely and enforceable review of an EMB decision?

h. Does the legal framework allow the EMB sufficient time to organize electoral events effectively?

i. Does the legal framework ensure that the EMB has sufficient and timely funding to manage its functions and responsibilities effectively?

EMB Rules, Regulations and Proclamations

81. In some countries, an EMB has legal powers to regulate the electoral framework either by enacting new laws or by making rules and regulations which complement existing primary legislation. Such an arrangement is time-effective and allows for speedy amendment of the legal framework. For example, the EMB of Uruguay can make decisions and dictate actions which cannot be reviewed by any other branch of government. This means that the EMB has *legislative powers* (making laws which govern elections), *judicial powers* (reviewing and interpreting laws with binding effect) and *implementation powers* for the laws and norms it has enacted.

82. A more usual practice is for an EMB, particularly an independent EMB, to be empowered to make reviewable regulations filling in the detail of concepts contained in the law, or filling existing gaps in the law. For governmental EMBs, this power may be held by the ministry within which the EMB is located. Such regulations in most countries are subject to review, generally by a court or constitutional court, to test whether they are within the powers of the EMB (or ministry) to make and whether they are otherwise consistent with the law.

83. In countries such as Fiji (see the case study), Gambia and Yemen (see the case study), the EMBs have powers to make regulations to facilitate their mandate, including the conduct of elections. In Namibia, the EMB has the power to issue proclamations which by law must be gazetted and which cover issues such as political parties' code of conduct, some procedural issues on voter registration, and parties' disclosure of foreign donations. The Indonesian EMB has specific regulatory powers in some critical areas, including boundary delimitation, voter registration, candidate registration, the conduct of election campaigns, campaign funding reporting, and voting processes.

> EMB powers to make regulations should always be exercised in such a way as to ensure consistency with both the constitution and the electoral law.

84. Many EMBs have powers to formulate administrative policies and directions on operational issues such as their relationships with their own staff (on matters such as gender equality, affirmative action, performance management and staff development) and with external stakeholders. These external stakeholders include government ministries – including the Finance Ministry, the legislature, political parties, civil society organizations and the media.

85. Unlike regulations, which by law must be issued publicly, an EMB may have no legal obligation to publish its administrative directives and policies, although it is always good practice for it to do so. It is important that an EMB consult its stakeholders when formulating new policies or reviewing old ones in order to foster stakeholder awareness and buy-in.

CHAPTER SUMMARY

- Electoral processes are complex, standardized activities requiring clear, simple and relatively comprehensive legal definition in order to promote consistency, equity and a common understanding of electoral frameworks by all electoral stakeholders.

- The electoral legal framework within which an EMB operates may be defined in many different types of instrument – including international treaties, the constitution, national and sub-national statute law, and EMB and other regulations.

- International treaties and agreements provide a framework of norms against which a country's electoral legal arrangements can be defined and assessed.

- There is a trend towards defining key electoral issues in the constitution, as this may provide a workable means of entrenching electoral norms against manipulation by the ruling party. Electoral arrangements may be further defined in statute law, secondary legislation and regulations.

- Electoral statute law may be a single law or multiple laws which need to be kept in harmony. EMBs or the executive branch of government may be able to make regulations filling in gaps in the law; usually these would be subject to some form of judicial or other review. EMBs may also be able to set their own administrative policies. For confidence in election processes it is important that all parts of the electoral framework – treaties, constitution, statute laws, and EMB and other regulations, as well as administrative policies – are freely and publicly available and that changes are discussed and shared with key stakeholders.

- A balance needs to be struck between on the one hand providing for certainty and consistency in the legal framework, and on the other allowing an EMB the flexibility to respond effectively to changing electoral circumstances. The amount of electoral detail in higher-level instruments – constitutions and statute laws – will often depend on the level of trust in political participants and in the performance of the EMB.

- International IDEA's publication International Electoral Standards: *IDEA's Guidelines for Reviewing the Legal Framework of Elections* provides guidelines for assessment of electoral legal frameworks.

- EMBs' powers to make regulations should always be exercised in consistency with both the constitution and the legal framework.

CASE STUDY: Georgia

The Republic of Georgia: A Commission in Transition

Robert Patterson

Georgia, the first Soviet republic to secede from the USSR, held its first presidential election in May 1991 and endured instability due to violent secessionist conflicts until 1995. Between 1995 and 2001, the Citizens' Union of Georgia (CUG), headed by President Eduard Shevardnadze, held a majority in the Parliament. By mid-2001 the CUG had begun to break apart. By 2002 no clear majority existed, and the Parliament's ability to pass timely legislative initiatives suffered.

After 1991, the state and the registered political parties, using various formulas, determined the membership of the Central Election Commission (CEC). In 2003, due to flaws in previous elections and distrust of past commissions, interlocutors expressed concern that unless the CEC changed questions over the fairness of the upcoming parliamentary elections could cause instability and violence. Consequently, in August 2003, the Parliament passed transitional provisions for the Unified Election Code (UEC) which reallocated CEC member appointments and required that the chair be nominated by the Organization for Security and Co-operation in Europe (OSCE) and appointed by the president of Georgia.

Many observer groups felt that the November 2003 parliamentary election fell short of international standards. Flaws in the electoral registers disenfranchised many voters, and differences between the parallel vote tabulation and the official results led to allegations of fraud. Public protests, known as the Rose Revolution, lasted two weeks and culminated in the resignation of President Shevardnadze. Following the revolution, the Parliament amended the UEC on 29 November 2003 to authorize the president to appoint the CEC chair unilaterally.

The Legislative Framework

The 1995 constitution establishes the election systems used for presidential and parliamentary elections, sets the minimum age for candidacy, and specifies how political parties and candidates can register to stand for election. It also guarantees freedom of association and the right to create political parties.

The 2001 UEC establishes the composition and formation of the different levels of election administration, contains detailed provisions for the election of the president, the Parliament and the local self-governance bodies, and requires that the preparation and conduct of elections be transparent and that domestic and international observers must be accommodated.

The UEC establishes the CEC as the supreme election body in Georgia and authorizes it to pass decrees and ordinances that become secondary legislation. The CEC is independent, within the limits of its authority, from other government agencies.

Institutional Structure

Election administration in Georgia is a centralized system composed of three tiers: the CEC; district election commissions (DECs), one for each electoral district; and precinct election commissions (PECs) whose number in each electoral district varies according to district size. The CEC and DECs are permanent bodies while the PECs only perform their duties during an election period.

The CEC is composed of seven members – the chair and six others. Their term of office is six years. No later than 60 days before the expiration of their term, the president issues an order to hold a competition for the positions. From a shortlist of candidates vetted by presidential staff, the president chooses one name for chair and two names for each of the six other seats on the CEC, and these names are presented to the Parliament for a roll-call vote on each position.

Each DEC is composed of five members. Their terms of office are also six years. No later than 60 days before the expiration of their term, the CEC issues a decree on holding a competition for the positions in each of the 75 electoral districts. After the deadline for DEC candidacy has passed, the CEC selects the members of DECs by voting on each candidate individually.

One of the qualifications for CEC and DEC candidates is that the candidates must be fluent in the Georgian language. This has the effect of excluding significant numbers of Armenians and Azerbaijanis who grew up in regions where there are no schools with Georgian as the language of instruction.

Each PEC is composed of a maximum of nine members. Three are elected by its DEC. The remaining members are appointed by the three political parties who won the most votes in the last parliamentary elections, each appointing two members.

CEC members and the chairs of the DECs are paid salaries for their entire term of office. Other members of the DECs and all PEC members are paid for their duties when performed. Employees of the CEC are civil servants.

Since the Rose Revolution, the CEC has worked hard to increase the skills and professionalism of election officials by creating new organizational structures, setting standards and adopting assessment methods, training and testing. The administrative structure has been developed to enable the CEC to do this. The CEC is able to enter into bilateral agreements with donors to enhance technological development, staff training and civic education.

Powers and Functions

The CEC undertakes the conduct of elections and referendums, and guarantees the uniform application of the electoral legislation. It determines and monitors the rules for participation in electoral events and the use of governmental and non-governmental mass media during elections. It defines electoral district boundaries, allocates funds to DECs and PECs, and determines the content, design and production of all election material.

The CEC has extensive powers relating to the registration of political parties, party alliances and candidates, and is responsible for compiling the electoral registers and the processing and announcement of election results.

Financing

The CEC submits its budget for annual expenditures to the Parliament. Once approved, this forms part of the state annual budget. The CEC submits its expenses and spending plan for

an electoral event to the Ministry of Finance 55 days before polling day, and the ministry is responsible for transferring funds to the CEC within ten days. If the funds are not transferred, the CEC can file a claim before the Supreme Court. For the November 2003 election, the government was slow in releasing the funds, but this situation improved during the April 2004 election.

Accountability

The CEC is accountable to the Parliament. Within 60 days after the end of an election it must submit a report outlining alleged electoral offences, offending public officials, cases referred to the prosecutor-general, complaints filed by the CEC in the courts, and related court judgements.

A temporary parliamentary commission is given the authority to review the activities of the CEC and its subordinate commissions. Any electoral offences are dealt with in the general court, while criminal activities are referred to the prosecutor-general.

Relations with the Media and Other Institutions and Agencies

For elections, the UEC stipulates that state television and radio must provide two hours daily of free air time for election campaigning, and political advertising for at least 15 days prior to an election. The time must be allocated equally among election parties and/or candidates. No broadcaster is permitted to allocate more than 15 per cent of its air time to political campaigning. Newspapers can also allocate free space. Any party or candidate that uses the free advertising must report to the CEC the equivalent cost of paid time/space. The CEC requires each broadcaster to submit a weekly chart of time allocated for political advertising and tariffs.

During the most recent elections the CEC held frequent media briefings to inform the public about the campaign, upcoming events and important deadlines. As a result, the CEC has developed and maintained a good working relationship with the media.

The CEC has good relations with civil society/NGOs, international observer groups and donor agencies. However, there is a lack of separation between the CEC, political party functionaries and the government administration – particularly at the regional and district levels, where some governors and local officials try to influence the decisions of the DECs.

Electoral Reform Management

The CEC has the authority to approve regulations by decree, but can only make recommendations to the Parliament regarding amendments to the UEC.

The CEC may seek to continue its structural review, develop its corporate services and expand its policy and planning operations. To continue the strides forward taken by the CEC since the Rose Revolution, the Parliament could bring into force a number of general provisions of the Unified Election Code that are not yet operative.

The CEC's ability to develop as an independent agency with public confidence in its integrity may be limited by the political process of shortlisting candidates and the political composition of the PECs.

CASE STUDY: Canada

Canada: Stability, Independence and Public Trust

Ron Gould

The Office of the Chief Electoral Officer, known as Elections Canada, is the national EMB responsible for the management of national elections, by-elections and referendums. Provincial and territorial electoral matters are managed separately by the EMBs in each of their respective jurisdictions.

The Legislative Framework

Elections in Canada go back to the 1800s, but it was the Dominion Elections Act of 1920 which paved the way to true electoral democracy in Canada. This act consolidated Parliament's control of federal franchises and established the position of Chief Electoral Officer (CEO). Over the years, subsequent electoral legislation has taken the form of amendments to this act (now called the Canada Elections Act), and has included:

- the elimination of disqualifications based on race in 1948;
- the lowering of the voting age from 21 to 18 in 1970;
- the introduction of campaign finance legislation in the 1970s;
- ensuring access for people with disabilities in 1992;
- the introduction of the special ballot in 1993 to permit voting by any eligible Canadian in or outside Canada who cannot vote in person on election day;
- the elimination of door-to-door enumeration, to be replaced by a continuous National List of Electors;
- the introduction of longer and staggered voting hours in 1996; and
- the strengthening and expansion, in 2003, of political financing regulations, including extending disclosure and registration requirements for political entities; introducing new limits on political contributions from individuals to candidates and political entities; and banning contributions from unions and corporations to political parties and leadership contestants.

The amended act also provides for payment of a quarterly allowance to registered political parties based on the percentage of votes obtained in the previous general election. The Income Tax Act was also changed to increase the maximum tax credit for a political contribution, and

to allow district associations of political parties, as well as political parties and candidates, to issue tax receipts.

The 1982 Canadian Charter of Rights and Freedoms, an integral part of the New Canadian Constitution, provides that 'Every citizen of Canada has the right to vote in an election of the members of the House of Commons or of a legislative assembly and to be qualified for membership therein'. The advent of these rights provided the basis of successful court challenges to the provisions of the Canada Elections Act, which had prohibited voting by judges, prisoners and persons with mental disabilities.

The Canada Elections Act itself is quite detailed in its provisions concerning electoral operations and the powers of the CEO. There are no detailed regulations as part of the legislation. The CEO is, however, given reasonable discretion to manage the operations and to issue related materials, directives and instructions, and may adapt many of the provisions of the act to meet unforeseen circumstances during an electoral event.

Institutional Structure

Despite the massive geographical size of Canada, Elections Canada is a totally centralized body with the head office and its distribution centre located in Ottawa, the capital. The field structure at present comprises 308 constituencies, or electoral districts, each one under the responsibility of a political appointee – a returning officer. Returning officers are appointed from all walks of life by the government in power. The CEO is not consulted in the selection process, nor can he discipline or fire returning officers, but only make recommendations to the government on their retention or removal. The returning officers' responsibilities equate to those of a very senior operational and technical manager, but the selection process does not usually take this into account. The result is that, despite intensive training, returning officers range in competence from the outstanding to the inadequate. This represents the weakest link in Elections Canada's institutional structure.

The CEO, under the provisions of the act, is appointed on a full-time basis by a resolution of the House of Commons (the lower house) – traditionally by a unanimous vote – until age 65, regardless of length of service. The CEO can only be removed for due cause, following a majority vote in both the upper and the lower houses of Parliament. The CEO's salary is guaranteed at the level of a judge of the Federal Court and the CEO is prohibited from voting federally. These provisions ensure the complete non-partisanship and independence of action of the CEO in the management of federal elections in Canada.

There have only been five CEOs between 1920 and 2006.

Powers and Functions

Elections Canada is responsible for the conduct of all federal elections, by-elections and referendums.

Under the act, Elections Canada is responsible for:

- ensuring that all voters have access to the electoral system;
- informing citizens about the electoral system;
- maintaining the National Register of Electors;
- enforcing the Canada Elections Act;
- training electoral officers;

- producing electoral district maps;
- registering political parties, district associations, and third parties that engage in election advertising;
- administering allowances paid to registered political parties;
- monitoring and enforcing election spending rules for candidates, political parties and third parties;
- publishing financial information on the above plus district associations, nomination contestants and leadership contestants;
- supporting the independent commissions responsible for adjusting the boundaries of federal electoral districts following each decennial census; and
- reporting to Parliament on the administration of elections and referendums.

In addition, Elections Canada provides technical advice and guidance to the independent electoral district boundary commissions which consider each province and territory once every decade on average. Following the completion of the boundary commission reports, the CEO, using a constitutional formula, announces the number of House of Commons seats allocated to each province and territory.

A Commissioner of Canada Elections is appointed by the CEO to ensure compliance with and enforcement of the provisions of the Canada Elections Act, to investigate and to apply sanctions. This includes instituting prosecutions for infractions where applicable, including infractions involving political parties and candidates.

The CEO also appoints a broadcasting arbitrator to allocate paid and free time to registered political parties on the electronic broadcasting networks.

Elections Canada has no international mandate, but does participate in a limited number of international activities including election monitoring and the provision of technical assistance. It also receives visiting delegations.

Financing

Elections Canada's financing is subdivided into two categories – government funding and statutory funding.

Government funding. Each year, Elections Canada, like any government department, is required to prepare a budget covering only the costs of its 300+ permanent staff members and related material support costs. These estimates can be modified by the government.

Statutory funding. In addition, when putting forward its budget, Elections Canada provides an estimate of the funds that it expects to spend over the next fiscal year for all its activities directly related to election preparation and management, including boundary redistribution, the remuneration of the CEO, applications of technology and the employment of part-time staff. This estimate cannot be altered by the government as, by law, Elections Canada has direct access to the Consolidated Revenue Fund (the Treasury) for these 'statutory funds'.

There are no external donors involved with the financing of Canadian electoral events.

Accountability

Elections Canada is fully accountable for both its statutory and its non-statutory expenditures, as well as being subject to audit by the Auditor General of Canada. The CEO reports to

Parliament and appears before a parliamentary committee several times a year. Although no prior approval is required for the spending of statutory funds, Elections Canada must account afterwards to Parliament for all its expenditure.

The Professionalism of Election Officers

The headquarters staff of Elections Canada are for the most part either public service managers or administrators recruited by competition from other government departments and agencies or private industry, or developed from within through on-the-job training. At the other end of the spectrum are the returning officers – one for each of the 308 electoral districts where their offices are located, who are selected by the government party. Elections Canada provides returning officers with intensive professional training courses on the complete spectrum of electoral management of their constituencies, including their responsibilities for the application of technology. Returning officers, in turn, are charged with the training of all electoral officers and the administration of electoral events in their districts.

Relations with the Media

Other than the role played by the broadcasting arbitrator, Elections Canada does not have responsibility for monitoring or other regulation of the press or other electronic media. There are two exceptions: political campaign broadcasting from outside Canada, which is prohibited; and some restrictions on the publication of public opinion polls and on the dissemination of results on polling day. Elections Canada is the enforcement agency for breaches of these: the Commissioner of Canada Elections investigates and prosecutes all infractions, and any person guilty of an illegal act (such as broadcasting from outside Canada) or corruption will lose the right to stand for election or to sit in the House of Commons, as well as to hold any office in the nomination of the Crown.

For public information during an electoral event, Elections Canada contracts with an advertising agency, through competitive bidding, to conduct national advertising campaigns during election periods in order to educate voters and encourage turnout.

Relations with Other Institutions and Agencies

As an agency of Parliament, Elections Canada does not come under any government ministry or minister, but reports to Parliament through the speaker of the House of Commons. For ease of communication with the government, a minister, usually the leader of the House, is designated as the person responsible to communicate with Elections Canada.

After each election, the CEO must provide a report to Parliament. The CEO submits the report to, and accounts for the expenditures and activities before, an all-party committee of the House of Commons on an ongoing basis.

Although there are no legally required meetings between Elections Canada and civil society, regular meetings are held with representatives of all registered political parties to discuss Elections Canada's plans and programmes, and items of party concern.

The Canada Elections Act defines the persons who are permitted to be present at the polls. Until the act was amended in 2000 no one apart from the responsible officials was allowed

– not even observers – and the CEO did not have the power to permit others to be present. The amendment gave the CEO the power to permit observers to be present at polling stations.

Electoral Reform Management

Only Parliament can make electoral reforms which require amendments to legislation. Within this restriction, the CEO has both the power and the access to the required financial resources to explore and to modify any or all of his election-related activities which fall under the provisions of the Canada Elections Act. The CEO also frequently makes recommendations to Parliament related to changes in electoral legislation, and at times advises and assists the legal drafters charged with electoral reform amendments.

Elections Canada, being solidly established, well funded, and actively involved in exploring and acquiring related new technology and other resources, has no sustainability challenges. Canadians generally have a high level of trust and confidence in the Canadian electoral process and in Elections Canada itself – a factor which contributes to Canada's stable political environment. The strengths of Elections Canada include its independence from government in almost every aspect of its activities, including financial independence, and the freedom to investigate infractions and act rapidly to resolve problems. The three constraints which could hamper its effectiveness are the government's control over the budget related to Elections Canada's permanent staff; the issues inherent in the structure of the EMB, with a single CEO, who has an open-ended term of office to age 65, with virtually 'absolute power'; and the government's patronage appointments to the key positions of returning officers. However, in mid-2006 the government proposed to change the legislation to permit the appointment of returning officers by the CEO through a competition process.

Chapter 3

Chapter 3

The Powers, Functions and Responsibilities of an EMB

86. There is often no clear distinction in electoral law or practice between the powers and the functions of an EMB. In some electoral laws, all EMB activities sanctioned by law are referred to as powers. In many electoral laws, such as those of Australia, Indonesia and South Africa, 'powers and functions' are referred to jointly and in others, as in Bosnia and Herzegovina, the law merely lists activities that the EMB 'shall' perform. It could be argued that an EMB's powers refer to those activities for which an EMB can make, of its own accord, rules, directions or determinations that affect the rights and activities of others, such as making regulations and determining electoral disputes. These may be reviewable by other bodies. An EMB's functions could then be described as those activities in which it merely implements decisions – for example, in training staff or informing voters. These may also be subject to external review.

87. EMB powers and functions are influenced by many factors. The result of the negotiation processes among political forces, within the country or beyond, which paved the way for the EMB's establishment is generally a strong influence, particularly in countries recently emerging into democracy. Other specific political, administrative and geographical influences can include the structure of the state (e.g. unitary or federal, presidential or parliamentary), demographics, the electoral system (e.g. single- or multi-member electoral districts) and the existence of other electoral service providers. The historical interaction of these factors within each country has created a wide variety of models for EMB powers and functions.

Powers and Functions

88. The majority of EMBs have powers to make rules, regulations and determinations which are binding on all players in the electoral process – voters, political parties and candidates, the media and observers – provided such rules, regulations and determinations are consistent with both the constitution and the electoral laws.

89. There are some EMBs whose powers are executive, legislative and judicial. For example, the establishment of powerful EMBs was necessary to curtail the dominance of the executive over the other branches of government under the oligarchic governments of Latin America. In

countries such as Costa Rica (see the case study) and Uruguay (see the case study), EMBs became known as the fourth branch of government. These EMBs can make regulations, directions and reviews of regulations that are binding on the electoral processes and their decisions cannot be reviewed by any other branch of government. They also have executive powers to call and conduct elections, to certify or nullify election results, and to resolve electoral disputes.

90. In other parts of the world, regulations issued by EMBs are subject to review by the courts; they must also be consistent with the electoral laws. Some EMBs have powers which combine executive powers with a greater or lesser degree of adjudicative power. For example, the EMBs in Cameroon, Canada, Lithuania, Papua New Guinea, the Philippines and Romania have powers to investigate and, where appropriate, prosecute violations of electoral laws. In Cambodia and South Africa, the EMB has powers to investigate and resolve disputes of an administrative nature or disputes which do not necessarily fall within the jurisdiction of the courts.

91. The majority of EMBs have powers which are primarily of an executive nature, related to implementing electoral activities. The Yemeni EMB can initiate secondary legislation, while in many countries – Gambia, Ghana, Mozambique and Thailand, for example – EMBs can make regulations or issue proclamations.

92. In some countries, these powers extend to determining the election date, within parameters set by law that are often fixed to a time period defined by the end of an elected body's term of office. In India and Pakistan, the EMB has the power to draw up an election schedule and issue the election writ. In Russia, the EMB can call an election if the legislature has failed to do so, and in Yemen (see the case study) the EMB has the power to call a by-election but not a general election. In some cases, such as those of Thailand and Uruguay, the EMB has the power to order re-polling if an election did not proceed in an honest and fair manner as defined in the law. Sub-district level committees of the Indonesian EMB can do likewise for individual polling stations, and the Namibian EMB can order a re-poll in the event of violence or an emergency.

93. However, many EMBs have no influence on when an election is called. For example, in countries such as Mexico and the United States, with presidential constitutions which incorporate the separation of the legislative and executive powers, elections are held on a fixed date. However, in countries with parliamentary systems which follow the Westminster model, the tenure of the government is dependent on its ability to retain the support of a majority of members of the legislature. The power to call elections may belong either formally or in practice to the leader of the government, who can use it for political advantage.

Extent of Powers and Functions

94. Particularly in emerging democracies, electoral legal frameworks are being designed to cover all electoral process matters relevant to the delivery of free and fair elections. This can have the advantage of promoting electoral integrity by ensuring that EMBs exercise controls that reflect their responsibility for the entire process. In many countries, EMBs are responsible

for a wide range of activities throughout the electoral cycle. Apart from the essential (or core) powers and functions of:

- determining who is eligible to vote;
- receiving and validating the nominations of electoral participants (for elections, political parties and/or candidates);
- conducting polling;
- counting the votes; and
- totalling the votes,

other EMB activities may include:

- making national or regional electoral policies;
- planning electoral services;
- training electoral staff;
- conducting voter information/education and civic education;
- the delimitation of electoral district boundaries;
- the planning and implementation of electoral logistics;
- the identification and registration of voters;
- the development and maintenance of a national electoral register;
- the registration of political parties;
- the regulation of financing of political parties;
- political party pre-selections or primaries;
- regulating the conduct of political parties and candidates;
- regulating the conduct of the media during elections;
- regulating opinion polls;
- training political parties' and candidates' poll watchers;
- the accreditation and regulation of the conduct of election observers;
- the announcement and certification of election results;
- the adjudication of electoral disputes;
- the review and evaluation of the adequacy of the electoral framework and the EMB's own performance;
- advising the government and legislature on electoral reform issues; and
- participating in international electoral assistance services.

Direct Democracy Instruments

95. The conduct of electoral direct democracy instruments – referendums, citizens' initiatives and recall votes – raises issues which are for the most part similar to those raised by the conduct of elections. Additional issues may include the verification that the processes for calling direct democracy votes have been correctly used – a contentious issue, for example, in Venezuela's presidential recall vote in 2004 – and the regulation of campaigning and voter education and information. In the US state of Oregon, the EMB is required to distribute to every household a collection of the position statements submitted by citizens on each issue submitted to referendum.

96. It is usual for EMBs to be responsible for the organization both of elections and of direct democracy instruments. However, the UK Electoral Commission, which does not perform the role of EMB for elections (for which a Governmental Model electoral management structure is used), is tasked with the role of EMB for referendums.

Functional Divisions between Electoral Institutions

97. It is common for some of the potential non-core functions of an EMB to be assigned in the electoral legal framework to another institution. It is becoming more common for some non-core functions to be contracted out by an EMB – but this is a management rather than a legal framework issue. Functions that are often assigned in the legal framework to an institution separate from the EMB(s) include boundary delimitation, voter registration, the registration and funding of political parties, electoral dispute resolution, the certification and announcement of election results, and voter education and information. If electoral functions are assigned to more than one institution, the legal and policy framework needs to be very clear on each institution's functional responsibilities.

Table 6: Advantages and Disadvantages of Assigning Some Electoral Functions to Institutions Other than the EMB

Advantages	Disadvantages
• May insulate EMBs from some politically sensitive decisions (e.g. political party registration, electoral boundary delimitation) • Allows EMBs to concentrate on core functions • May locate electoral activities in institutions with more relevant technical skills than the EMB possesses • May result in successful bids for funding for functions that EMBs may find difficult to fund • May provide a check and balance on functions implemented by EMBs	• Other institutions may not have as much credibility as an EMB to undertake electoral functions in an impartial manner • There may be lack of coordination and shared goals between institutions with different agendas • May locate electoral functions in institutions for which these are not a high priority, and with little or infrequent electoral experience • May not be cost-effective. It may also be difficult to identify funding expended on electoral functions, to prevent funds allocated for electoral functions from being diverted to other activities • May be used as a tool to thwart the independent actions of an EMB that refuses to take instructions from a government

Boundary Delimitation

98. It is common in many countries, especially those which follow the Commonwealth tradition, for the electoral legal framework to create a separate body or commission to assume responsibility for boundary delimitation. Such countries include Australia, Botswana, Canada and India. Countries where the EMB takes responsibility for boundary delimitation include Barbados, Belize, Costa Rica, Georgia, Indonesia, Nigeria, Uganda and Yemen. There are countries such as the United States in which the electoral law assigns boundary delimitation to the legislature. However, this practice can easily lead to the imposition of electoral district boundaries that are favourable to the current majority party in the legislature, thus institutionalizing a hold on power.

99. There are operational and cost-effectiveness advantages in an EMB taking responsibility for electoral district boundary delimitation. Boundary delimitation is, however, a politically divisive issue, and leaves an EMB open to attack by those who perceive the results as not serving their interests. Some electoral analysts therefore argue that boundary delimitation is best handled by a body other than an EMB, to shield it from potential politically motivated attacks that may damage the EMB's credibility.

Voter Registration

100. In some countries the electoral legal framework requires that voter registration be linked to a national identification or civil registration system, which is controlled by an authority other than the EMB. Countries that have used this method include Brazil, Bulgaria, Chad, Colombia, Hungary, the Netherlands, Romania, Senegal and Sweden. In these cases, the voter registration is a purely administrative action. If there is any dispute (for example, if someone is alleged to be registered who is not qualified to vote, or has allegedly been wrongly omitted from the electoral register) it is the EMB that has to determine voter eligibility, not the civil registration authority. In other countries, a body other than the EMB is responsible in electoral law for developing and compiling the electoral register. In Spain, the Electoral Census Office of the National Institute of Statistics is the responsible body, and in countries such as Moldova and the Republic of Korea local authorities prepare the electoral register for the independent EMB.

101. However the electoral register is compiled, the basic concern is that the data contained in it must be accurate and credible. Implementation of voter registration by an EMB under the Independent Model may result in electoral registers enjoying greater credibility with the public than they would have if they were derived from or compiled by a government department, even though using existing civil registration or ID system data may be more cost-effective. Whatever institution prepares the electoral register data, an EMB must verify that the electoral registers for use at polling stations are accurate.

102. In Ghana and Peru, the electoral framework gives the EMB responsibility for issuing national identification documents and voter registration cards. This has worked well in these two countries and has made the task of compiling and maintaining the electoral register a lot

easier for the EMB. Quality control measures on voter registration, such as opportunities for public inspection by voters, are commonly embedded in electoral laws. In South Africa, as in many developed countries where (electronic) population registers exist, the EMB regularly compares its voter registration records against the population register to identify unqualified or 'phantom' voters for removal.

Registration and Funding of Political Parties

103. The registration of political parties, the supervision of the contributions they receive and/or their expenditure, and the disbursement of any public funding for parties and candidates also sometimes fall outside the functions given to EMBs by the electoral legal framework. This is the case in Zambia, where political party registration is done by the Registrar of Societies, in Indonesia, where it is done by the Ministry of Justice and Human Rights, and in Hungary, where political parties are registered by the county courts. Party funding and expenditure are controlled by a body other than an EMB in countries such as France, Spain and the USA. In countries such as Fiji, Russia, South Africa and Thailand, the EMB administers political party registration, funding and disclosure provisions, and also serves as the guardian of political party symbols and independent candidates' logos. In Canada, Liberia and Mexico, the EMB is responsible for auditing the accounts of political parties, although in the case of Liberia there is no public funding of political parties.

Election Campaigns

104. Political party and candidate campaign codes of conduct may be included in the legal framework, as in South Africa, or be an EMB-brokered voluntary arrangement between parties, as in Indonesia. These codes are more effective if they are agreed voluntarily by the parties, but benefit from the EMB or electoral dispute resolution bodies being legally empowered to impose sanctions for breaches.

105. Several EMBs, such as those of Indonesia and Russia, have a mandate in the electoral legal framework to regulate political parties' campaign methods and conduct in general. Other EMBs have a role in regulating media allocations for party campaigns. The EMBs in Canada, Georgia, India, the Philippines and Russia regulate the allocation of public media air time to parties and candidates. In Canada, the EMB appoints a broadcasting arbitrator to allocate paid and free time to registered political parties on the electronic broadcasting networks.

106. Elements of election campaigns that are not directly related to political party activities are also under the jurisdiction of some EMBs. For example, electoral law in countries such as Bosnia and Herzegovina and Russia regulates the publication of political opinion polling. Jurisdiction over this and other issues relevant to the media's treatment of election 'news' is more commonly left either to self-regulation or to a media council. This is the case in Namibia and Zambia.

Voter Education and Information

107. Voter education and information is a responsibility which is increasingly being added to EMB functions. Some EMB legal frameworks have clearly provided for EMB conduct of voter education and information, as is the case in Antigua and Barbuda, Latvia, Lithuania, Thailand and Togo, while others, including those of Indonesia and Sweden, have not. It is preferable for an EMB's legal framework to include a voter education and information function, as this is indispensable for democratic consolidation, especially in emerging democracies where both the art and the essence of voting are yet to be mastered and internalized. However, it would be harmful for the EMB or any other body to be given exclusive voter education and information rights or powers to restrict who may conduct voter education and information.

> One strong reason why the legal framework should empower an EMB to conduct voter education and information as a way of consolidating democracy is that otherwise the government will be reluctant to fund it, citing as the reason that this function is not part of an EMB's official mandate.

108. Voter education and information is too important, and its implementation too complex, to be left to an EMB alone. Political parties, civil society, corporations and government agencies such as education systems may all have an important complementary role to play to help ensure that voters have all the information they need to make informed choices. An EMB's voter education and information responsibilities could be partially or wholly delegated to other institutions, including civil society organizations. In Ghana, for example, there is a sister commission to the EMB which is responsible for civic and voter education and information. In Thailand, the EMB is empowered to outsource voter education and information to private organizations.

Validation of Election Results

109. It is common for electoral legal frameworks to give the function of certifying and announcing election results to an EMB, and to prescribe a time period within which the results must be announced: this is the case, for example, in Armenia, Cambodia, Honduras, Poland and South Africa. In a few cases these functions are given to the Constitutional Court, as in Niger, or the Constitutional Council, as in Cameroon and France. In Denmark, the legislature is responsible for validating the results of national elections.

110. The chief justice of Zambia is the returning officer for the presidential election and is thus responsible for announcing its results. The National Technical Committee on Elections which was set up following the 2001 general elections recommended that the EMB take over the function of returning officer for the presidential election.

Supervision of Political Party Candidate Selection

111. It is not a common practice for an EMB to assume responsibility for parties' procedures for selecting candidates, but the increasing pressure for internal party democratization has caused some election analysts to support this role for EMBs. Many EMBs in the USA are involved in running primary elections for party candidates for elected office. The EMB in the Australian state of Queensland has powers to conduct inquiries and audits of pre-selection or primaries of candidates for state and local elections. In Indonesia, Kenya and Nigeria, candidates are required by law to submit to the EMB the minutes of the meetings where they were selected as candidates for a particular election.

Electoral Observation

112. While independent election observation, by its nature, is conducted outside EMB control, electoral legal frameworks often give EMBs functions related to observation. It is good practice for an EMB to accredit observers, guarantee their rights of observation, provide them with comprehensive background briefing materials, and define observers' responsibilities, often in a legally enforceable code of conduct. Independent observation, especially in emerging democracies, can be a critical component of building public confidence in electoral processes.

113. Independent observation, by both domestic and international observers, by its nature must be free of control and interference by EMBs or any other authority, except those controls necessary to ensure observers' authenticity, impartiality and safety, and to prevent disruption of electoral processes. Just as electoral laws take note of a country's international treaty obligations, so too an EMB's powers and functions in relation to observers need to recognize international standards – such as the UN-endorsed Global Declaration of Principles and Code of Conduct for International Electoral Observation. Attempts to place impediments in the way of observation – such as charging a high fee for the registration of each observer (for example, the 100 US dollar (USD) per observer accreditation fee that has been levied in Zambia) – or to over-regulate observation – such as the requirement in Indonesian electoral law that observers report all observation results to the EMB before publicly announcing them – may be seen as contrary to international standards.

International Activities

114. Although many EMB legal frameworks do not provide for participation in international electoral assistance missions, many EMBs do undertake these tasks on both a small and a large scale. EMBs which regularly participate in international technical cooperation include those of Australia, Canada, France, Ghana, India, Mexico and South Africa, and such cooperation is both bilateral and multilateral. Many other EMBs regularly participate in international observation missions, or in professional contact and exchange activities facilitated by regional networks of election officials. The mandate of the Bangladeshi EMB provides for EMB 'support to the United Nations and its member states in organising elections by fielding of election

monitors and observers and organising training for electoral personnel'. It is important that the legal framework for elections provide a mandate for the EMB to participate in international electoral activities. No EMB or country is an island unto itself and many EMBs are called on from time to time to render assistance to other EMBs, either as observers or as technical advisers, or to host study missions from other EMBs.

Community Responsibilities of EMBs

115. Electoral legislation in some countries defines not only EMB powers and functions but also EMB responsibilities or obligations. These often include accountability measures, such as the requirement for audit (e.g. in Armenia and South Africa) or reporting on activities to an external body such as the legislature (e.g. in Australia, Canada and Moldova).

116. EMB responsibilities may also include more normative elements of how it is expected to behave, which may be further elaborated in an EMB's code of conduct. Electoral legislation in Indonesia includes obligations on the EMB to provide a good service to all election participants and treat them fairly, determine and implement quality standards for election materials, maintain comprehensive electoral archives, inform the public fully of its activities, be accountable for its funding, and report to the president on the conduct of each election.

117. EMBs as upholders of democratic values have behavioural and access responsibilities to the community which they serve, even where these are not defined in the electoral legal framework. Some of these responsibilities relate to the probity and integrity of electoral management, others to issues such as transparency, gender balance, sensitivity to customs and traditions, the treatment of ethnicity, providing electoral access to marginalized groups, and creating conditions that are conducive to fair electoral competition. Important responsibilities, such as accountability for performance and finances, relationships with stakeholders and developing sustainable electoral processes, are dealt with at length in later chapters of this Handbook.

118. EMBs have overarching obligations to adopt good practice so that their levels of integrity promote free and fair elections, their efficiency ensures that public funds are not wasted, and their service standards meet with public approval. If the best practice in election organization could be easily identified, it would be the goal that EMBs would strive to achieve. It is perhaps more realistic to aim to achieve targeted elements of good practice: this approach can be applied regardless of the differences between electoral systems while still achieving the delivery of free and fair elections.

Avoidance of Conflicts of Interest

119. EMBs make decisions involving the fast and effective spending of large budgets. High-value individual supply agreements – for items such as ballot boxes, ballot papers and computer equipment – can be of huge benefit to the winning supplier. Connections between EMB members or staff and suppliers, other election participants or stakeholders who can gain benefit

from EMB decisions can lead to perceptions of conflict of interest, which are damaging to an EMB's public credibility, or to real conflicts of interest which are damaging to its integrity. General public service legislation may cover these issues in relation to public servants serving in EMBs. In Hungary, the law on public procurement, which deals with conflicts of interest, applies to the electoral process as well.

120. Conflict of interest provisions could be included in legislation or EMB regulations and can be part of an enforceable code of conduct for EMB members and staff (as in Indonesia). They would usually specify that EMB members and staff who have an interest or potential interest in a matter that comes before the EMB for consideration and decision should notify the EMB of their interest in a timely manner and refrain from participation in the consideration of that matter. To be effective, realistic enforceable sanctions for breaches of conflict of interest provisions are necessary, such as dismissal from the EMB or other disciplinary action. Examples of such provisions (in relation to an EMB member) are contained in the Australian and Malaysian electoral legal frameworks.

121. The same is true of EMB members' and staff contacts with or links to political parties and candidates. Such contacts or links should be disclosed in a timely manner, and affected EMB members and staff should refrain from participation in making any decision that might benefit the relevant parties or candidates.

Gender Balance

122. EMBs have a responsibility to ensure that in their internal and external activities they reflect the gender composition of society. Elements of this responsibility may be defined in electoral law, such as ensuring that political parties nominate at least the specified levels of women candidates required by law (as in Argentina, Belgium, Iraq and Palestine). Some may be taken on by an EMB as a social campaign: for example, the EMB in Indonesia in 2004 returned party candidate lists for reconsideration where they did not meet the recommended (but not enforceable) 30 per cent women candidate quota. It is good practice for EMBs to promote equity by advocating that gender balance measures be included in electoral legislation and by including such measures in their own regulations or codes of conduct.

123. Ensuring that there is gender balance in its own personnel and activities, whether or not this is required by electoral legislation or government policy, will promote an EMB's credibility and allow it to fully tap the available resources for its membership, professional and support staff, permanent and temporary or ad hoc staff, consultants and advisers. For example, in 2004, two of the five EMB members in Cambodia were women, as were two of the five members in Jamaica, five of the nine members in Latvia, two of the five members in South Africa and two of the nine members in Palestine. It is equally important to ensure that women are represented fully at all levels of the EMB secretariat and in its temporary election staff – as polling station managers, as well as polling station staff. The EMB needs to provide a good example on gender balance issues in all its activities. Some essential considerations are ensuring gender balance among the invitees and participants at workshops and seminars organized by the EMB, and the

inclusion of gender-based issues in the content of training and voter education and information programmes. This not only promotes the participation of women in political life but enables the EMB to communicate more effectively with and respond to the needs of all of society.

Ethnicity

124. Ethnicity and diversity have become important factors in the organization of multiparty democratic elections, especially in many emerging democratic societies, such as Bosnia and Herzegovina. In some countries, this has had an effect on public expectations of the EMB. Many stakeholders in elections in Nigeria have expressed strong views that the electoral system in that country should be reviewed to take full account of the ethnicity (diversity) issues that give rise to frequent regional and local conflicts. Through a selection and appointment of its members and senior staff that considers ethnic, regional and linguistic balance, an EMB can convey a positive signal about the inclusiveness of the EMB's management. This approach is more likely to gain the confidence and support of all ethnic groups for the EMB's credibility and even-handedness, with positive effects on the eventual acceptance of election results.

Equality and Equity

125. The quality of non-partisanship and the ability to create a 'level playing field' for all political participants are pillars on which an EMB can build good-practice electoral management. A lack of electoral equity – for example, an electoral environment which is tilted in favour of the governing party – can undermine free and fair elections and the credibility of an EMB. While some of the factors and practices which contribute to electoral equity may lie outside the strict ambit of an EMB's powers and functions, EMBs can work to ensure that the legal framework is fully utilized to promote equality and equity.

126. Some emerging democracies find the concept of a level playing field unfamiliar. Countries influenced by Westminster models of government, or where the public service and state media have been required to have strict political loyalty to the ruling party, have traditions of electoral advantages lying with the government. Such advantages could lie in the power to determine an election date without consultation, in the use of public resources for campaign activities, and in favourable access for the ruling party to the media.

127. In countries such as Indonesia, the electoral law for transitional elections has attempted to even out the playing field by strictly controlling and limiting media advertising by the political contestants, requiring the EMB to allocate all campaign activities equally to each contestant, and forbidding the use of public resources for election campaigns.

128. The use of public resources for election campaigns is a challenge to EMBs in all countries. This is an area that is rarely covered in electoral legislation itself, although Indonesia and Peru are exceptions. Some EMBs, such as those of Bangladesh and India (see box 2), have issued a code of conduct to govern the electoral use of public resources by ministers of government.

Box 2: The Indian Code of Conduct for Use of Official Resources for Electoral Purposes

Applies to parties in power at national and state levels.

Requires:
- equal access to public facilities for opposition party campaigns.

Prohibits:
- ministerial use of government machinery or personnel for campaigns;
- combining official ministerial visits with campaigning;
- the use of government transport for campaigning;
- the use of public funds for campaign-related media advertising;
- the misuse of government media for partisan coverage of political news;
- the awarding of grants and payments from discretionary funds, after the election has been announced; and
- announcing or commencing public works or making appointments or undertakings that may influence voters after the election is announced.

Source: Extracted from the 'Model Code of Conduct for the Guidance of the Political Parties and Candidates' of the Election Commission of India (<http://www.eci.gov.in/Model_Code_Conduct.pdf>).

Broadly-based Access

129. Electoral law and public pressure are increasingly requiring EMBs to provide services to ensure that all eligible electors have genuine access to the electoral process. For example, the 2002 international Bill of Electoral Rights for People With Disabilities promotes equal rights of access to all electoral processes for people with disabilities. All access-extending services are costly and need to be considered by the EMB (and legislators) in relation to its budgetary constraints.

130. Voters' special access needs may include mobile registration and voting facilities for those in hospital, confined to the home or in prison; external voting; the provision of voter registration and voting facilities for internally displaced persons, and in locations outside the country for significant refugee populations (as has been implemented for elections in countries such as Afghanistan, Iraq and Sierra Leone); providing facilities for voting by post or before election day; ensuring that registration, polling stations and equipment are accessible to voters with disabilities; providing electoral information materials suitable for those with visual or aural disabilities and providing registration or voting assistance to them where needed; and providing voting equipment such as ballot paper templates for the visually impaired (as in Canada and Ghana). EMB processes may also adopt preferential treatment for pregnant women, nursing

mothers, the elderly and people living with disability, especially during voter registration and polling.

> Partnerships with civil society organizations or relevant government instrumentalities will assist the EMB in identifying the precise needs of, and may even help defray the costs of providing access to, marginalized groups.

131. The legal framework or EMB policies on electoral access may be informed or constrained by customary rules or traditions. These may relate to issues such as who may nominate candidates for particular offices, or the need to establish separate voting queues or locations for men and women. Other issues where custom or tradition may impinge on access (and electoral integrity) include the photographing of women for electoral ID cards, voting methods, and the use of visible indelible ink to mark voters. Where customary laws are deeply entrenched, an EMB can enhance its acceptance throughout society if its structures, policies and procedures can demonstrate respect for such customary practices, especially if this will not contradict the electoral laws and EMB policies or hinder its activities.

Codes of Conduct

132. It is beneficial for EMBs to establish rules governing the behaviour and conduct of EMB members and all staff. These need to be consistent with, and could be complementary to, any behavioural requirements in the constitution or any law. Such rules are commonly issued as a code of conduct.

133. It is good practice to require all EMB members, staff and contracted personnel to sign a document indicating their acceptance of and adherence to the EMB's code of conduct as a condition of their appointment. To be effective, the code needs to be backed by appropriate and enforceable sanctions for breaches of the code, and a fair process for determining allegations of breaches. In some countries, allegations of breaches of the code are dealt with internally under the EMB's own provisions, or, as in Portugal, under the general public service or employee disciplinary provisions. In others, as in Nigeria, Tanzania and Zambia, an independent tribunal may be set up to deal with allegations of breaches of the code against EMB members.

134. One code may be applicable to all members and staff of an EMB, or there may be codes of differing lengths and differing amounts of detail for different levels of staff, according to responsibilities. Basic issues to be included in a code of conduct are:

a. commitment to maintaining the integrity of all electoral processes;
b. support for the principle of political non-partisanship;
c. avoidance of conflicts of interest;
d. provision of quality service to voters and other stakeholders; and
e. adherence to regulations and management directions.

135. Detailed codes of conduct for EMB members and more senior staff may also include transparent and accountable actions based on law; professional behaviour in all actions; and accuracy in all work.

136. It may be more appropriate to have a simpler code for lower-level or temporary staff with limited responsibilities. For example, for polling station officials a simple statement committing them to obey all relevant laws, regulations and directions, and maintain impartiality and ballot secrecy, may be sufficient.

137. A code of conduct embodying the above principles is essential for all EMBs, no matter what the model or their composition. Members and staff of all EMBs are expected to uphold the integrity of electoral processes and to refrain from acting in any manner which conflicts with their role as impartial electoral referees.

CHAPTER SUMMARY

- An EMB's powers and functions may not be separately identified in its legal framework and, apart from the essential elements of an EMB, can cover a greater or lesser variety of tasks, depending on factors such as the structure of the state, the electoral system, and the number and type of the organizations that provide electoral services.

- Essential or core powers and functions of an EMB are:

  a. determining who is eligible to vote;
  b. receiving and validating the nominations of electoral participants (for elections, political parties and/or candidates);
  c. conducting polling;
  d. counting the votes; and
  e. totalling the votes.

- Non-core functions that may be undertaken by an EMB include activities such as voter registration, boundary delimitation, political party regulation and the adjudication of electoral disputes.

- Most EMBs have powers and functions which are 'executive' – relating to the implementation of elections; some have adjudicative and a very few have legislative powers. Most EMBs' activities are reviewable by judicial or other bodies.

- There may be advantages and disadvantages, which need to be carefully assessed, to assigning some electoral activities, such as boundary delimitation, the compiling of data for the electoral registers, the registration and funding of political parties, the monitoring of political campaigns, voter education and information, and validation of election results, to be implemented by specialist bodies other than an EMB.

- EMBs have behavioural and access responsibilities to the communities they serve, which may extend beyond the minimum requirements of the electoral legal framework. These include promoting gender balance within an EMB itself and in political life, dealing fairly with issues of ethnicity, promoting equality and equity in electoral contests, providing equality of access to electoral services for all, and especially marginalized, members of society, and recognizing customary practices where these are in harmony with electoral management principles.

- The electoral legal framework and EMB policies can assist in guarding against inappropriate behaviour by EMBs by including provisions requiring that members and staff of EMBs avoid situations of conflict of interest.

- An enforceable code of conduct, which all members and staff of an EMB are required to sign, assists the EMB to maintain electoral integrity, ethics, impartiality, service and professional standards.

CASE STUDY: Costa Rica

Costa Rica: A Powerful Constitutional Body

Rubén Hernández Valle

The Supreme Electoral Tribunal (Tribunal Supremo de Elecciones, TSE) of Costa Rica was established as an independent agency in 1946. Before then, election administration was the responsibility of the internal affairs secretary, who was part of the executive branch of government, and the elections were called by the Congress.

The TSE was incorporated into the new constitution of 1949 as a constitutional agency with full powers to administer elections. Since then it has become the most prestigious institution in the country.

The TSE is regulated by articles 99–104 of the constitution, the Organic Law of the TSE (Law no. 3504) and the Electoral Act (Law no. 1536).

Institutional Structure

The TSE consists of three regular judges and six substitute judges, all of whom must be at least 35 years old and have at least ten years of professional legal practice as judges or otherwise. These judges are known as electoral judges. Their appointment is made by two-thirds of the members of the Supreme Court of Justice. They are subject to the same immunities and responsibilities as the judges of the Supreme Court.

The appointment of an electoral judge is for a period of six years but can be renewed. In practice, most of the judges remain in office until they retire. A member of the TSE may only be removed from office by two-thirds of the members of the Supreme Court of Justice on the grounds of misconduct.

Powers and Functions

The TSE has power to organize, implement and supervise all elections, including presidential, legislative and local elections. Its main powers and functions are to:

- organize, implement and supervise all elections at both national and local level;
- register political parties in accordance with the provisions of the constitution and the Electoral Act;

- monitor the organization and operation of the political parties, including their finances;
- arrange and conduct the registration of persons qualified to vote and prepare, maintain and revise the electoral registers;
- monitor political campaigns and establish rules and regulations which govern the political parties and the political elections; and
- determine the electoral district boundaries.

The constitution provides that the TSE is responsible for the authentic interpretation of both the constitutional and legislative norms regarding electoral matters. This means that the constitution gives the TSE constitutional powers as well as legislative powers.

No appeal exists against the decisions and resolutions of the TSE. This is a remarkable and important attribute, because no one can contest the results of an election in court.

During the election campaign period, which lasts three months, the TSE assumes direct control of the Civil Guard (part of the domestic security forces). In this way elections are fully guaranteed to be free and without interference from the political authorities.

The Congress cannot enact any law regarding electoral matters later than six months before polling day or earlier than six months after polling day. The TSE must be consulted in advance on every proposal for legislation regarding electoral matters; if this is not complied with, the resulting law is null and void. For the Legislative Assembly to enact legislation which is contrary to the opinion of the TSE, a majority of two-thirds of its members is required.

Financing

Constitutional provisions ensure the permanent financing of the work of the TSE, as well as of the cost of elections. According to article 177 of the constitution, and in order to make the universal suffrage effective, the Legislative Assembly cannot reject or change the funds included in the TSE's annually proposed budgets. This constitutional provision guarantees the TSE sufficient funds to carry out its functions without any financial burdens.

Costa Rica sustains its electoral process through local resources. It is, however, seeking assistance from international agencies, both governmental and non-governmental, in order to introduce electronic voting in future elections.

Accountability

The legislative scheme for elections in Costa Rica does not expressly place accountability requirements on the TSE. Oversight mechanisms do exist in the Legislative Assembly in the form of committees on electoral matters, but these mechanisms are not adequate to ensure effective reporting and accountability to the Legislative Assembly. There have therefore been proposals that the TSE should be required to submit to the Legislative Assembly a report both annually and after each election, and a management and financial audit report after each election.

The TSE does not have to go through public tender for the acquisition of goods and services. The level of transparency of its financial and budgetary processes, procurement procedures and procedures for awarding contracts has come under critical scrutiny. Many scholars have proposed that the operations of the tender process should be reviewed to assure transparency.

The Professionalism of Electoral Officers

The TSE, having been established in 1946, has an important record of democratic experience of organizing multiparty elections. It has recruited and trained its electoral staff to the level required to manage elections in accordance with modern practices. There is therefore a continuous monitoring of tasks, scheduling and quality control, all of which receive attention during the conduct of electoral processes.

Along with the regular personnel, the TSE engages temporary election staff who are chosen from among civil society groups to carry out some of the tasks of election administration. They supervise the conduct of the electoral campaign, and on election day they provide assistance to the members of the polling station committees.

However, all members of polling station committees are appointed directly by the political parties. The role of the TSE is limited to officially endorsing such appointments.

The method used for the training of temporary staff ensures a consistently high standard. Great emphasis is placed on dry runs of election procedures, highlighting aspects such as the determination of valid votes, the counting and tabulating of the votes, and the filling out of the relevant forms. Experience has shown that protection of the secrecy of the vote should be further emphasized in future training of presiding officers.

Career development and training for the core staff of the TSE exist both at headquarters and in the regional offices. Many years ago the TSE established a process of staff assessment which is linked to a programme of professional upgrading and career development, with a view to developing a cadre of election administration professionals. This comprehensive and coordinated training strategy has been designed to raise standards and to ensure that all staff have a clear understanding of their responsibilities.

Relations with the Media

The TSE has a framework within which to monitor the media during an election campaign. According to the Electoral Act, the TSE ensures that all the electronic and print mass media fully observe the relevant regulations during the campaign. Where offences appear to have been committed, the TSE has the obligation to file actions before the criminal courts.

In general, the media comply with the law and operate in a non-discriminatory way, although some have made allegations of bias in favour of the incumbent party. When a petition alleging such bias is filed, the TSE must initiate a full investigation to determine if it has legal grounds.

The existence of a modern Media Centre at the headquarters of the TSE has improved reporting of election results, which has increased the confidence in the electoral process both of the political parties and of citizens.

Relations with Other Institutions and Agencies

The relationship between the TSE and the executive branch has always been one of mutual respect. According to the constitution, the TSE may issue the necessary orders to police officers to ensure the neutrality of the electoral process. In practice, authority over the police is passed over to the TSE during election campaigns.

The TSE's relationship with the legislature, although normally good, was not able to generate sufficient influence to lead to a number of reforms that the TSE proposed to the 2002 Electoral Bill being enacted.

Political parties generally have full confidence in the independence and impartiality of the TSE, mainly due to the TSE's ability to deliver elections on schedule and to remain neutral and transparent throughout the electoral process.

Civil society groups' views about the quality of the working relationships they enjoy with the TSE are positive. Their contacts with the TSE have always been open and based on mutual trust.

The TSE has been receptive to accommodating international observers as well as observers' support personnel during the last four or five elections.

Electoral Reform Management

Following widespread criticisms of the electoral legislation after the last two elections, the TSE initiated a series of workshops and seminars to discuss necessary electoral reforms with stakeholders. It then prepared some of the recommended reforms and drafted a bill which was submitted to the Congress for its approval. The reforms are wide-ranging and include some fundamental constitutional changes regarding the electoral system; legislative reforms to the organization and operation of political parties; and other reforms to amend the Electoral Act, which was approved back in l952.

The electoral history of Costa Rica has shown the huge impact that the independent EMB has had on the democratic well-being of the state. Since 1949 the country has held 13 consecutive elections in which the two major political parties have alternated in power. This fact has strengthened the country's democracy and reinforced a popular feeling that the electoral institutions work to guarantee free elections.

The major constraint is the lack of new electoral legislation to make elections less expensive and to encourage the formation of modern political parties. During the last three elections almost every single actor in the electoral process has emphasized the need to make elections more cost-effective. Proposals for the introduction of e-voting are seen as an effective response to the transport costs associated with the use of traditional voting materials.

CASE STUDY: United Kingdom

The United Kingdom: Electoral Modernization

Ellie Greenwood

Elections in the United Kingdom (UK) have historically been managed through the Governmental Model, by returning officers appointed by local authorities. Although a UK-wide Electoral Commission was established in 2000, it has not taken on responsibility for the management of elections. Although this commission therefore does not fall within the definition of an EMB (at least for elections), its role as an electoral 'watchdog' has provided much-needed impetus to reform and modernization of the electoral legislation and arrangements within the UK.

The commission's responsibilities include:

- registering political parties;
- monitoring and publishing significant donations to parties;
- regulating spending by parties on election campaigns;
- writing reports on the conduct of elections and referendums;
- reviewing electoral law and procedures;
- advising the government on changes;
- advising those involved on the conduct of elections and referendums;
- promoting public awareness of electoral systems; and
- reviewing electoral boundaries.

In addition, the commission appoints the chief counting officer for UK-wide and regional referendums – which means that, for referendums, it acts as an EMB under the Independent Model.

To a great extent, elections in the UK are run with little modification to legislation introduced during the 19th century, including the creation of an electoral register, the introduction of the secret ballot and the introduction of limits on election expenditure. Indeed, the Electoral Commission itself has commented that a voter at the beginning of the 21st century would not have a significantly different experience from that of a voter at the beginning of the 20th century. However, there are indications that things are beginning to change. Recent pilots of new voting methods are indicative of attempts to ensure that the voting system is accessible to the needs of modern voters.

The Legislative Framework

The Electoral Commission was established under the Political Parties, Elections and Referendums Act 2000 (PPERA). The act outlines the structure of the commission and empowers it to undertake its key statutory functions. It also empowers the commission to prescribe regulations (secondary legislation) in relation to areas in which it has direct responsibilities, such as the information which political parties and other organizations are required to submit to it when applying for registration or reporting.

Institutional Structure

The Electoral Commission has five commissioners and four deputy commissioners. The commission chair serves full-time, other commissioners part-time. The commissioners are responsible for taking strategic decisions about the direction of the commission. In operational terms, the commission is managed by a chief executive, supported by a team of senior managers and over 100 staff. The vast majority of staff are based in the commission's London office, with smaller offices also located in Belfast, Cardiff and Edinburgh.

Powers and Functions

The commission has a number of key functions. These are:

- to regulate the financing of political parties;
- to promote awareness of democratic and electoral systems;
- to report on UK elections and electoral pilot schemes;
- to review electoral laws;
- to provide advice and assistance to electoral administrators; and
- to appoint a chief counting officer to manage regional and UK-wide referendums (this role automatically falls to the commission's chairman unless he appoints another individual).

In addition, the commission is progressively taking over the responsibility for the delimitation of electoral boundaries, a process which started in 2002 when it assumed responsibility for the review of local government boundaries in England.

The commission undertakes its responsibility to promote awareness of democratic and electoral systems in a number of ways. It carries out general research into people's views of and level of knowledge about democratic and electoral systems, and conducts specific research into levels of engagement among specific sections of society. This research is used to inform a series of campaigns encouraging people to register to vote and to vote at elections and referendums. The commission has an outreach programme that aims to promote awareness of and interest in democratic and electoral systems among young people aged 16–24, targeting principally young people outside formal education. In addition, the commission has established a partnership grant fund to support organizations with innovative schemes to raise awareness.

Financing

The commission is funded directly by Parliament and planned an annual budget of about 35 million euros (EUR) for the year 2005/2006. It is required to submit to the Speaker's Committee (a committee of nine MPs chaired by the speaker of the House of Commons) an annual budget which the committee may modify, before the final request for funding is put to the House of Commons for approval. Funds are released to the commission from the Treasury on a monthly basis in accordance with the commission's monthly cash forecasting. The commission is subject to the same accounting controls as other public departments and bodies and is audited by the National Audit Office.

Accountability

The commission is directly accountable to Parliament and not to the government. It submits a draft corporate plan each year to the Speaker's Committee. The commission's annual report must also be approved for publication by the Speaker's Committee. Most of the commission's work is intended for a general public audience, but in relation to some specific statutory functions the commission is responsible for submitting reports to the relevant secretary of state; for example, reviews of electoral law are submitted to the secretary of state at the Department for Constitutional Affairs.

Professionalization

Many commission staff are former election practitioners and members of the Association of Election Administrators (AEA), the professional body for electoral staff. In addition, staff have relevant professional expertise; for example, many of the staff regulating party financing have accounting or auditing backgrounds. The commission has a generous training budget for the professional development of its staff.

Relations with the Media and Other Institutions and Agencies

Although the commission's Communications Directorate deals with press enquiries and works with the media, the commission has no power to regulate the media during the campaign or in any other period. Requirements on access to the broadcast media by political parties are laid down in the broadcasting legislation. However, broadcasters are required to seek and have regard to the commission's views when framing rules for party broadcasts.

The PPERA establishes a Parliamentary Parties Panel consisting of representatives of those parties with two or more members of Parliament, and the commission is required to consider any representations made by this panel; there is therefore ongoing contact between the commission and political parties. Since the commission must be consulted on changes to electoral law, commission staff also work closely with officials in relevant government departments.

The commission has worked on a number of joint projects with NGOs with an interest in electoral and democratic systems and participation. Finally, although it is a relatively young organization, the commission has started to building up links with other EMBs and related international organizations.

Electoral Reform Management

The commission has no power to draft electoral law, but the government is under a statutory obligation to consult it on proposed changes to certain aspects of electoral law. Typically, commission officials work closely with government officials in the early stages of drafting legislation, and the commission submits a formal response once the draft legislation is completed.

The commission is required by law to keep a number of issues under review, including matters relating to elections, referendums, the registration and financing of political parties, and political advertising. Legislative recommendations arising from the commission's reviews will only be enacted if they are adopted by Parliament, a process which will rarely happen without the support of the government. A number of recommendations made by the commission have led to government draft legislation for electoral change. However, there is no requirement for the government to support or progress the commission's proposals, and a major recommendation to change the system of voter registration, from a household to an individual basis, was rejected by the government.

Although relatively new, the Electoral Commission is increasingly well established within the democratic system in the UK. However, its work is subject to the constraint that its annual budget must be approved by the Speaker's Committee. It is possible that the committee may in future refuse to authorize part of a budget proposal, in which case the work plan of the commission would be limited by the level of funding that it actually receives.

There are clear constraints that limit the commission's ability to effect change, notably the fact that it is unable to enact its own recommendations. However, the creation of the commission has undoubtedly provided a catalyst for driving forward an agenda of electoral modernization within the UK. In addition, the commission has also provided a much-needed source of advice and assistance to electoral administrators, parties and members of the public. This highlights the capacity of the commission to strengthen the democratic process in the UK, as the commission's web site (<http://www.electoralcommission.org.uk>) shows.

Chapter 4

Chapter 4

The Composition, Roles and Functioning of an EMB

138. An EMB's activities generally require both the determination of policy and the implementation of major administrative and logistics operations. Where the Governmental Model of electoral management is used, both these functions are undertaken by civil servants, employed within one or more bodies of the executive. While members of the executive branch of government, such as ministers, may also take an active role in the policy making of an EMB under the Governmental Model, it is more common for the head of its secretariat, who may be termed director of elections or have some similar title, to be responsible for policy. It is not usual for governmental EMBs to have members: rather, they are composed entirely of secretariat (public service) staff. Two exceptions are Austria and the Czech Republic, where members of the EMB are appointed within the executive branch.

139. In EMBs under the Independent Model, the policy function is undertaken by a person or persons from outside the executive branch of government, specially appointed for this task. This person or persons are the EMB's 'members'. Their role is similar to that of the board of a corporation – to guide the direction of the EMB – although in many cases EMB members have a full-time and more 'hands on' role than would be usual for a corporate board. Similarly, under the Mixed Model, the component independent EMB is guided by a 'board' of members.

EMB Membership

140. EMB members need a very high level of management skills and commitment to maintaining integrity under pressure. It would seem useful for an EMB to include members with a wide range of the skills needed to ensure that it can function effectively, such as legal, communications, education, logistics and corporate management skills. Public confidence in EMBs is enhanced where the electoral legislation contains qualifications for appointment to EMBs that are clearly defined and appropriate for the complex task of managing electoral processes impartially, and mechanisms for selection and appointment that are transparent and based on the candidates' merits. The mode of selection and appointment, and provisions for tenure, of members of an EMB vary from one country to another. Details of the composition, appointment and tenure of members of EMBs are included in the data on EMBs in 214 countries and territories at annex A.

141. There are various titles for the members of EMBs, with similar meaning, but each with its own nuances, related to the basis, role and powers of the policy-making members of the EMB. In Canada, the chief electoral officer is both the chief and sole policy maker and the head of the administration (secretariat), and is the sole EMB member. The frequently used term 'commissioner' is not applied consistently. In many countries which use the Independent or Mixed Model, EMB members are referred to as commissioners. In Australia, the electoral commissioner is both the head of the secretariat and a full voting member of the EMB (although not the head of the EMB), while the deputy and assistant commissioners are staff of the secretariat. In India, the EMB has three members, the chief election commissioner and two election commissioners, and the most senior members of the secretariat are known as deputy election commissioners. In Francophone countries and Latin America an EMB head may be termed 'president', and in Latin America the term 'councillor' is sometimes used to describe EMB members.

142. The chair of EMBs such as those of Bangladesh, Nigeria and Pakistan, who by law is known as the chief electoral commissioner, serves as the EMB's chief executive. The role of such a chair should be understood in the same way as that of an executive chair or executive director in the corporate world. Unlike chairs in some other EMBs, this type of chief electoral commissioner has executive powers and is more 'hands-on' in directing the electoral process. Although he or she may be assisted by other commissioners and the secretariat, the chief electoral commissioner in these countries will have the final say in matters of finance and administration and also on key aspects of the electoral process.

Status of EMB Members

143. For an EMB to operate effectively, its members need to have a status that entitles them to respect from and a relationship of equality with the government, the legislature and society. In India, the three EMB members – the chief election commissioner and the two Election Commissioners – have the status of judges of the Supreme Court. The head of an EMB especially needs a status that affords her or him access to the highest levels of government and ensures adherence to the EMB's decisions. The chair of the EMB in Pakistan (also known by law as the Chief Electoral Commissioner) has the same conditions of service as the chief justice, as do his counterparts in numerous other countries. In the Democratic Republic of the Congo (DRC) and in Romania, the chair of the EMB has the rank of minister, guaranteeing access to the legislature and the government, and in Yemen the EMB chair has the rank of a deputy prime minister and EMB members have the rank of minister.

144. While it is important that EMB members have a high status, it is also important that members do not then behave as though they are bigger than the EMB institution that they are serving, or come to be regarded by society as 'the EMB'. Personality-based institutions can be highly polarizing. A good-practice model for EMB members to follow is to personalize the institution they serve, rather than institutionalize the person or persons leading the EMB.

The EMB Chair: A Special Role?

145. In some countries, the legal framework provides for a two-stream procedure for the appointment of EMB members, one for the chair and another for all other members. In Ghana, Lithuania, Pakistan, Thailand and Uruguay, the EMB chair (sometimes called the EMB president) serves as a 'first among equals' appointed by the head of state/government at a level higher than the other members. In Romania, the legislature appoints the EMB chair, while the other members are appointed by the head of state and the prime minister. The chair of the South African EMB is appointed at the level of a senior judge, while other members are at the level of judges of a lower court. In the Solomon Islands the speaker of the Parliament becomes the chair of the EMB by virtue of holding the speakership.

146. Where the EMB chair is appointed on different terms from the other members and at a higher level, he or she tends to play a more prominent role, over and above the role of presiding over the EMB's meetings. He or she may have additional powers in relation to matters such as chairing various EMB internal subcommittees, actively supporting the secretariat in policy implementation and monitoring, and liaising with stakeholders. In Lithuania, for example, the EMB chair has specified powers to hire and fire staff, to keep and direct the use of the EMB seal, and to represent the EMB in state institutions, in court and in international organizations. In Liberia, the chair of the National Elections Commission is also by law the official spokesperson for the commission, although secretariat staff carry out the day-to-day work of maintaining contacts with the media.

147. In countries such as Burkina Faso, Costa Rica, Macedonia, Namibia, Russia and Ukraine, all EMB members are appointed on the same terms, and the chair (and in some cases the vice-chair and secretary) is elected by his/her peers after the first meeting. In this context, the main responsibility of the chair is to preside over the meetings of the commission and/or its subcommittees if necessary.

> There are no specific advantages or disadvantages associated with specifically appointing the EMB chair as a first among equals or having members of the EMB select their chair from among themselves. The appropriate practice depends on the context in which the EMB structure was originally designed and continues to function.

148. The case for a 'first among equals' EMB chair is stronger where an EMB is still nascent and requires some nurturing, and the position is full-time. This may also apply where the chair is a full-time position and other members are part-time, as in Guyana and Pakistan. Where the EMB is a part-time body it may be more appropriate for the chair to be elected by his or her peers and for him or her to have the same conditions of service as all other EMB members.

EMB Members: Respected Experts or Watchdogs on Each Other?

149. In countries where either the Independent or the Mixed Model is used, electoral legislation specifies the framework for EMB membership. There is a myriad of different legal provisions that govern this critical issue, some of which are more conducive to EMB independence than others. A basic difference is that between a multiparty-based EMB and an expert-based EMB.

Multiparty-based EMBs

150. Many countries, especially those that have experienced difficult transitions from authoritarian rule to multiparty democracy, have chosen multiparty-based EMBs. In such societies, public servants are likely to have been largely discredited as electoral policy makers because of a history of being agents of the authoritarian former ruling party or military regime. Additionally, the fight against authoritarianism may have polarized society to the extent that it is difficult to find public figures who are widely accepted as 'independent' to serve on an EMB for a transitional election. Many of the countries of Central and Eastern Europe adopted multiparty-based EMBs during their transitions. Mozambique is another example.

151. Multiparty EMBs comprise a mixture of political party nominees. The legal framework may entitle all political parties contesting an election to be represented on the EMB, or a threshold may restrict representation – for example, to those parties represented in the legislature or with more than a specified proportion of members in the legislature. In Venezuela in the mid-1990s, the larger parties each had their own representative, while smaller parties of the left and right were represented collectively.

152. Political party-based appointment often implies that EMB members are serving on the EMB as political party representatives or agents and, as well as impartially managing electoral processes, serve to ensure that their nominating political parties' interests are protected. However, while each individual member is seen from outside as partisan, each is also ensuring that the others do not take partisan advantage – so the EMB can nonetheless credibly be perceived as an impartial body. Political party-based members often hold office for a fixed term and cannot be dismissed except for cause, such as a breach of their duties, or upon their withdrawal by their nominating authority. Frequent replacement by parties of their representatives, however, has the potential to disrupt the work of the EMB.

153. In some countries, political party nominees to an EMB are eminent persons who are required to maintain high standards of impartiality and professionalism, and thus they do not serve as political party representatives on the EMB. Countries with this type of EMB include Colombia, Mozambique and Spain, although in Mozambique it has not been easy for political party nominees to be completely impartial.

154. Many electoral analysts believe that having political party representatives on an EMB engenders consensus among actors in the electoral contest and contributes to enhanced

transparency, both of which lead to improved confidence in the electoral process. Voters may feel more encouraged to participate in elections if their political party leaders are playing an active role in the electoral process, specifically through representation on the EMB.

155. On the other hand, a political party-based EMB can imperil or cripple decision making, especially in situations where political parties' critical interests are at stake. The presence of politicians on the EMB may undermine confidentiality in matters such as the security of ballot materials. Multiparty-based EMBs also tend to generate dissatisfaction, especially among minority parties which might be excluded from the EMB either because they are not represented in the legislature or because they did not participate in the negotiation that led to the initial appointments of EMB members.

> Multiparty EMBs may assist in promoting trust and confidence in electoral processes in the initial stages of democratic transitions. Depoliticization of EMBs may be more appropriate as confidence in the electoral process grows.

Expert-based EMBs

156. Expert-based or non-party-based EMBs are those which the legal framework requires to be made up of individuals appointed on the basis of their professional standing. In some cases, members of an expert-based EMB may be nominated by political parties or civil society, but this does not imply that such nominees will be directed by their nominating political parties or act in a partisan manner. In Mexico, although the EMB is a permanent body with nine expert voting members, each political group in the legislature and each national political party also provides one non-voting representative.

157. Qualifications to be a member of an expert-based EMB may include impartiality, a minimum age, professional qualifications and electoral knowledge. Expert-based EMB members are often eminent public figures renowned for political neutrality with expertise in fields such as law, public administration, political science, or the media. Expert-based EMBs are found in countries such as Australia, Bangladesh, Canada, Costa Rica, India, Indonesia, Poland, Thailand and Ukraine. The law in many of these countries provides that EMB members must not have been active in party politics in the recent past, and must not be a political party member while serving as a member of the EMB.

158. Brazil is an example of a judicial EMB: elections there are the responsibility of national and state electoral tribunals, which are considered a specialized segment of the judicial branch, comprising judges of various categories, along with a small number of expert lawyers; below the tribunals, regular judges are detailed for a short time to oversee electoral preparations and operations in each electoral 'zone' (district) in the country.

EMBs with Both Expert and Multiparty Membership

159. Some electoral legal frameworks specify that EMBs have a mixed membership of party representatives and politically non-aligned members, such as judges, academics, civil society representatives and career public servants. For example, in Côte d'Ivoire, EMB members are appointed by political parties, civil society and government ministries. This may combine advantages from both models, producing even-handed bodies that have both political party buy-in and transparency in their operations.

160. This 'combined' model can be implemented in various ways. In Croatia, a standing EMB formed from five members of the legal profession is augmented for electoral periods by three members of each of the majority and opposition blocs in the legislature, all with equal voting rights. Thus, only if opposing political tendencies agree can the independent members be outvoted. In Hungary, the chair and four members of the national EMB are elected by the legislature, and the political parties participating in the elections delegate one member each. The elected and delegated members have equal rights. Decisions of the EMB are made by simple majority and may be appealed to a court.

161. Like multiparty EMBs, 'combined' EMBs can find decision making difficult. For example, in the 1999 Indonesian elections the 'combined' EMB was unable to validate the election results because members representing some very minor political parties refused to sign the validation unless their parties were allocated seats to which they were not entitled by their votes.

162. Table 7 shows some key advantages and disadvantages of multiparty, expert and 'combined' EMBs.

Full-time or Part-time EMB Members?

163. Whether it is more appropriate for EMB membership to be a full-time or part-time position will depend on the electoral and administrative circumstances. In a permanent EMB, workloads may be high throughout the electoral cycle and demand that EMB members be full-time and thus readily available for speedy consultation and decisions. Full-time EMB members may be a good option in a situation of recurring activities, such as regular partial or by-elections, ongoing voter education and information, continuous voter registration, or continuing electoral law reforms. In a temporary EMB, the electoral period workload may be such that full-time members are preferable. Full-time EMB membership may also be appropriate where there are doubts about the impartiality and skill levels of the EMB's secretariat.

164. Some electoral legal frameworks, like Indonesia's, require that EMB appointments be full-time. Countries such as Albania, the Dominican Republic, El Salvador, Gambia, Germany, Mauritius, Mongolia and Taiwan appoint full-time EMB members even though it is not a legal requirement. All members of the South African EMB but one (a sitting judge) hold full-time office, although this is not a legal requirement.

Table 7: Advantages and Disadvantages of Multiparty, Expert and Combined EMBs

	Advantages	Disadvantages
Multiparty EMBs	• May promote electoral participation by opposing political forces • May encourage voter participation • Enhances electoral transparency • Ensures political party input to the EMB's policy development • Ensures links with critical electoral stakeholders • Brings political experience to the management of electoral processes	• Members' actions may be motivated by political interest • May not have appropriate professional experience or qualifications • May be unwieldy if all parties are represented • May lack credibility if some parties are excluded or if political parties are not respected • May find consensus decision making difficult • EMB unity may suffer due to public disputes between parties
Expert EMBs	• Impartial and neutral membership promotes the credibility of the EMB • Likely to reject political pressure • Professionalism of members • Makes a range of expert knowledge available on the EMB • Eminent public figure members raise the profile of the EMB • May have a broad range of professional networks on which the EMB can draw	• May not always be aware of relevant political factors • Political actors may have limited access to EMB activities • May not have good links with critical electoral stakeholders • Members may need to address conflict of loyalties between the work of the EMB and the views of the organizations they come from • The best 'experts' may not be willing to serve • It may be difficult to find 'non-partisan' members in transitional environments
Combined EMBs	• May achieve balance between political and technical considerations • May encourage participation, and expert members may counterbalance any attempt at partisan actions • The EMB is transparent to political participants and has some professional credibility • Both expert knowledge and political input available to the EMB • Links with both critical electoral stakeholders and public figures • Has both political experience and professional networking capacities	• Political and expert elements may have different agendas • EMB may experience competitive leaking of information between its components • May be unwieldy if all political and expert elements are represented • May lack credibility if some parties are excluded • May find consensus decision making difficult • High-calibre experts may not be willing to work with political elements

165. On the other hand, in countries where election dates are fixed and EMBs have limited responsibility between elections, it may be advisable to have part-time EMB members. This arrangement applies in countries such as Armenia, Cambodia, Jamaica, Japan, Malta and Senegal. In Ghana and Mongolia, members of the EMB are part-time while the chair and deputy are full-time, and in Guyana all members but the chair are part-time. It is also possible for members to serve part-time in non-electoral periods and full-time during electoral periods.

166. The benefit of having full-time EMB members must always be weighed against the cost of their services, when it may be years before the next election. There is also the risk of a potential conflict between senior members of the secretariat and full-time EMB members, especially when the former begin to interpret the full-time presence of the EMB members as interfering in the implementation of policy.

How Many EMB Members?

167. The electoral legal framework will generally specify the number of EMB members. However, when the membership of a multiparty EMB is determined by a criterion such as party representation in the legislature, it is not possible to specify an exact number of members, as this number may vary over time.

168. The number of members of an EMB varies considerably worldwide, and need not be related to the size of the country. For example, in the small country of Lesotho, the EMB has three members, while Nigeria, a much bigger country, has a 13-member EMB. However, Canada, despite its sizeable land mass, and India, with about 600 million voters, have one-member and three-member EMBs, respectively. Having a larger number of members of the EMB may provide for broader representation, whereas a smaller number can facilitate discussion and decision making.

169. EMBs which include political party nominees tend to have higher numbers of members so as to accommodate a credible range of political interests, while expert-based EMBs tend to have fewer members.

170. In Croatia, a standing national EMB comprising judges of the Supreme Court or other distinguished lawyers is expanded for the electoral period by representatives of the majority and opposition blocs of political parties in the national legislature. There are also similarly constituted EMBs for each electoral district.

171. Having an uneven number of members of an EMB ensures that simple majority vote decisions can be made without having to resort to measures such as giving the EMB chair a casting vote.

172. Electoral law in countries such as Croatia, Jamaica and Mexico allows for the appointment of alternate or deputy members to EMBs. Under certain circumstances, a deputy member can then automatically take the place and exercise the powers of a member.

Table 8: Number of Members in a Selection of Party-based and Expert-based EMBs as of 2005

Number of Members in Party-based EMBs	
21	Congo (DRC)
19	Mozambique
15	Mali and Tajikistan
11	Liechtenstein
9	Colombia, Malta and Latvia
7	Guyana, Somalia and Rwanda
3	Honduras and Saint Lucia
Number of Members in Expert-based EMBs	
15	Ukraine
9	Iraq and Palestine
8	Guinea-Bissau
7	The Philippines, Turkey and Uganda
6	Andorra
5	Cambodia, Fiji, Sierra Leone and Venezuela
1	Canada, Papua New Guinea and the Seychelles

Term of Office of Members of Permanent EMBs

173. In many permanent EMBs, members have a specified term of office: for example, as at end-2005, terms of office were three years in Pakistan; four years in the Dominican Republic, Honduras, Jamaica, Latvia and Palau; five years in Bosnia and Herzegovina, Fiji, and Trinidad and Tobago; six years in Georgia and Turkey; seven years in Mexico, South Africa, Uganda and Ukraine; eight years in Romania; and ten years in Botswana (see annex A). Some EMBs' terms of office are defined in relation to the legislature's term of office. In Botswana, the EMB has a permanent secretariat, but EMB members are operative only during elections and hold office for two successive terms of the legislature (equivalent to ten years).

174. The EMBs in Canada, Ghana, Malaysia and Poland have an unspecified term of office, meaning that, once appointed, members remain in office until they reach retirement age, unless they resign or are removed. In Ghana, the chair remains in office until he or she reaches the age of 70, while in Canada and Malaysia the retirement age is 65. Members of the Indian EMB have a tenure of six years, or up to the age of 65 years, whichever is earlier.

175. The advantage of limiting the term of office is that it promotes the constant generation of new ideas through new appointments. However, on the other hand, such a practice may undermine institutional experience, especially if EMB members' terms coincide with a single electoral cycle. Many electoral laws which specify limited terms of office for EMB members allow for extension of the term by mutual consent between the appointee and the appointing authority. South Africa limits EMB members to two terms of office, while Pakistan and Russia do not put a limit to EMB members' terms of office.

176. In South Africa, the terms of EMB members are staggered. Every new appointment is made for a period of seven years and not for the remainder of the term of other members. In Costa Rica, one of the three members and two of the six deputy members are appointed every two years. In Namibia, however, members of the EMB are appointed on a fixed five-year term, and when a vacancy arises a replacement is appointed only for the remainder of that current term of office.

177. Staggering EMB members' terms of office greatly assists retention of institutional experience and provides for smooth leadership succession. If appointments to the membership of an EMB are not staggered, the new EMB members should be appointed at a time long enough after the last election to allow the former EMB members to have completed and reported on their election evaluation, and long enough before the next election for the new EMB members to master their responsibilities before the electoral period commences. This may often be around mid-way between elections.

Recruitment and Appointment of EMB Members

178. The process for appointing members of any EMB is generally defined in electoral law, and the recruitment and selection methods may also be defined in the electoral legal framework. Formal appointment may be by the head of state, a judicial body, the executive, or a political party, and may be consultative or unilateral. Recruitment and selection may be from closed nominations or from open advertising, may include some form of public or private test of merit and integrity, and may be from a pool of nominees or only the exact number of nominees required. Recruitment processes may be able to be more open for expert-based EMBs than for EMBs whose membership is wholly or partially nominated by political parties.

Recruitment through Open Advertisement

179. In countries such as Iraq, Namibia and South Africa, members of the expert-based EMB are recruited through open advertisement and interested candidates may apply directly to be considered for appointment; in Iraq and South Africa they may also be nominated by members of the public. Applications are received and screened (through public interviews) by an independent body (for example, a judicial selection committee in Namibia and a committee of the legislature in the case of South Africa). The names of shortlisted candidates are submitted to the head of state for final appointment. In Botswana, all applications are received by the EMB secretariat and are forwarded to an all-party conference which nominates 15 candidates to the

Judicial Service Commission. The latter appoints five members from the all-party conference nominees in addition to the EMB chair (who must be a judge of the Supreme Court) and his or her deputy (who must be a legal professional).

180. While open advertising and screening mechanisms can provide a broad range of applicants for EMB member positions and promote competence in the selection of members, they do not necessarily guarantee that the most appropriate candidates are chosen. Where the mechanism for screening and appointing EMB members is dominated by one political grouping, competent candidates not in favour with this grouping may have lesser chances of selection.

Table 9: Some Advantages and Disadvantages of Open Advertising for Members of EMBs

Advantages	Disadvantages
• Fosters transparency in appointment • Provides a wide pool of prospective members • Allows for open selection on merit • Promotes inclusiveness by allowing all stakeholders to nominate candidates • Contains checks and balances in the appointment process as the responsibilities for nomination, screening and appointment can lie with different bodies • Opens opportunities for candidates outside the favoured elites	• Eminent professionals may be unwilling to submit themselves to public screening • People may be discouraged from applying as failure to be appointed will be publicly known • Cost of advertising and screening processes • Time taken to complete appointment process • Oversight of membership and operations of screening committees may be required • Open advertising and selection processes may disguise the fact that a dominant political group still fully determines EMB membership

Nomination of Candidates for EMB Membership by the Head of State and Confirmation by or in Consultation with the Legislature

181. In other countries, the process of appointing expert-based EMB members is initiated by the head of state, who nominates candidates to the legislature for confirmation. Examples include Kenya and Sierra Leone. Involving the legislature, including opposition parties, in the confirmation process can help to provide some degree of multiparty support for the appointments. For example, in Indonesia, the president determines a pool of nominees equal to twice the number of vacancies and notifies the legislature, which then conducts a written and public oral examination (a 'fit and proper test') of each nominee before voting to rank the nominees and sending the names of the appropriate number of highest-ranked nominees to the president to be appointed. In Ukraine, the legislature draws up a shortlist of candidates for the president: the names of the candidates chosen by the president are then submitted back to the legislature for approval.

182. In some Commonwealth countries, including Fiji, Saint Lucia, and Trinidad and Tobago, the head of state appoints EMB members on the advice of the prime minister and following consultation with the leader of the opposition. In Papua New Guinea, there is an Electoral Commission Appointments Committee made up of the prime minister, the leader of the opposition, the chair of the Parliamentary Committee on Appointments, and the chair of the Public Service Commission.

183. The division of EMB appointment powers between the executive and legislature provides for checks and balances in appointment procedures and enhances the appointment process. If one branch of the government (especially the executive) has the sole right to appoint EMB members, the danger is that such appointees, even if they are men and women of integrity, may be perceived by the public, and especially the opposition parties, as pawns of the appointing authority.

184. Even if the power to appoint the EMB members is divided between the executive and the legislature, this arrangement will be fettered if the same party dominates the two branches, or if the executive effectively controls the legislature. In this case the requirement of a two-thirds majority in the legislature to approve EMB appointments could be a useful remedy, because it may give minority parties a veto power: this is the case in Mexico, Nigeria, Uruguay and Yemen.

Unilateral Appointments of EMB Members by One Branch of Government

185. Where EMB members are appointed unilaterally, for example by the head of state, no other consent is required, and there may be no consultation with or advice received from any other institutions, such as the legislature, political parties or civil society, before appointments to the EMB are made. If the head of state does have such consultations or take advice – and in many occasions this does take place – it is informal and not binding. In countries such as India, Malaysia, Senegal and Zambia, the head of state unilaterally appoints members of the EMB. The unilateral appointment of EMB members, especially by the executive branch, has been criticized by many analysts who argue that it could encourage the appointment of EMB members who are government and ruling party sympathizers rather than impartial arbiters in the electoral process.

186. In other countries, such as Costa Rica, the Supreme Court of Justice unilaterally appoints members of the EMB. These appointments are made by two-thirds of the members of the court.

Involvement of Other Actors in EMB Appointment

187. An alternative that is used to rein in executive branch influence over EMB appointments is to involve judicial and non-state actors in either the nomination or the vetting of candidates. In Botswana, the Judicial Service Commission is responsible for EMB appointments, while in

Burkina Faso and Guatemala, civil society organizations, academia or the legal profession play a key role in EMB appointments.

Qualifications for Appointment

188. Whether the personal qualifications required for appointment to an EMB are detailed in the electoral law generally depends on whether the EMB is expert-based or multiparty-based. For multiparty EMBs, it is more usual for political parties to use their own criteria for appointing their representatives to the EMB, such as seniority in the party hierarchy, party membership or professional qualification.

189. There are some multiparty EMBs for which the law defines criteria for members' qualifications, such as not being a party activist or not having held political office recently. In Mozambique, for example, members of the multiparty EMB are by law expected to be professionally qualified and to carry out their work with integrity, independence and impartiality. This means that political parties are obliged to nominate candidates who meet the qualifications of non-partisanship and independence. Such nominees are in many cases eminent members of the community rather than members of the political parties which nominated them.

190. In the case of expert-based EMBs, the electoral law may define an extensive set of personal qualifications for EMB members – as it does in Indonesia and Mexico. Alternatively, the law may rely on its definition of the EMB's expected behaviour and functions to define the qualities of EMB members to be appointed.

191. It is usual to expect EMB members to meet the criteria of professional competence and political neutrality. In some countries, professional qualifications include legal training and experience, especially for the chair, who in many cases must be a judge (as in Slovenia) or a judge or former judge (as in Australia) or someone qualified for senior judicial appointment. In Russia, EMB members must have a law degree or university-level law education. In Lithuania and Thailand, members of the EMB must have at least a university degree.

192. Other formal requirements for EMB membership would generally include citizenship and often include age. In Sierra Leone and Thailand, non-citizens are not eligible for EMB appointment. In Nigeria, EMB members must be at least 25 years old.

193. The manner in which EMB members are nominated for appointment may influence the type of person chosen, which may discriminate in favour of or against certain sectors of society. For example, in Indonesia in 2001, it appears that the initial nominations for potential members of the new EMB were sought solely from distinguished academics: thus the bulk of the persons nominated for consideration as members of the EMB were also academics. Apparently open processes may hide a more controlled environment of appointment to EMBs. For example, in 1999, the law on the EMB in Azerbaijan required that half the EMB members be appointed by the legislature and half by the president. With the president's party totally controlling the legislature, this resulted in a nominally non-partisan but in reality government-influenced EMB.

Table 10: Qualifications Stated in the Electoral Law for Appointment to Three Recently Reformed Expert-based EMBs

	Indonesia	Mexico	Yemen
Impartiality	Yes	None	Yes
Personal integrity and fairness	Yes	None	Yes
Citizenship essential	Yes	Yes – by birth	Yes – by birth
Minimum age	None	30	35
Professional qualifications	None	Degree	College degree or equivalent
Knowledge of electoral issues	Yes	Yes	Relevant professional competence and experience
Physically and mentally healthy	Yes	Yes	None
Not politically active	Not a party administrator	Never having been a party national executive chair, or national or state director; not a candidate for elected office in the past 5 years	Must suspend political and/or party affiliation during term of office
Registered as a voter	Yes	Yes	None
Requirement to hold another office	None	None	None
Bans on holding other office	Cannot be a public servant or hold state position	Within the last year must not have been a federal secretary of state or attorney general. Must not have been a sub-secretary or chief of staff in the federal public service, a state governor or secretary of state	None
Character requirement	Good character and never convicted of serious crime	Good character and never convicted of serious crime	Must be of good character and conduct. Not convicted of any crime related to elections, or breach of ethics or professional conduct
Residence in country	Current	For last 2 years	None

194. While some electoral laws specify that EMB members must follow a certain occupation (e.g. all must be judges in Costa Rica, and all judges or eminent legal practitioners in Croatia), few specify any appropriate mix of experience or skills. Where qualifications are required, these are generally legal. In the corporate world, a company with activities as large and broad as an EMB's would be unlikely to have a narrowly focused board.

195. In some countries, the electoral law identifies persons who may not be appointed as members of the EMB. For many EMBs under the Independent Model and component independent EMBs under the Mixed Model, this includes incompatibilities of position – for example members may not be a member/recent member/officer of a political party, or an elected representative of the people, or concurrently hold a government position. Other barriers to EMB membership, such as health qualifications, may allow hidden discrimination.

Conditions of Service and Security of Tenure for EMB Members

196. In those countries where EMB members hold full-time office, their conditions of service, especially salaries and benefits, are determined either by law or by decisions taken by the head of state/government in consultation with other offices, such as the legislature, a public service ministry (or commission or similar body), or the Treasury. Members of the EMB may be appointed under the same conditions of service as senior judicial officers, or other senior public officials.

197. In those countries where members of the EMB serve in a part-time capacity, it is usual for them to receive a sitting allowance when they attend EMB meetings, as happens in Botswana. Some countries (e.g. Namibia) augment this with a monthly retainer allowance. Such allowances are determined by the government in line with its own policies and regulations.

198. In Lesotho, Nigeria, the UK and some Caribbean countries, EMB members' remuneration is charged directly to the Consolidated Fund. This arrangement assures members' benefits and salaries during their term of office and assists them to maintain full independence in their work.

199. EMB members' security of tenure and immunity from any unwarranted harassment – such as salary cuts, reductions in conditions of service or malicious prosecution – and from the danger of removal from office by either the executive or any other authority, enables members of the EMB to carry out their work impartially, professionally, without fear and favour, and resisting political pressures. EMB members may be less confident to take decisions which are unpopular with the executive or the legislature if they know that they may be removed from office, or their salaries and conditions reduced, without due process of law.

200. In many countries, the tenure protection for EMB members in the electoral law is the same as that for senior judicial officers: they can only be removed from office for a cause, such as misconduct, or mental and physical incapacity. This is the case in India, where, even when misconduct is proven, a two-thirds majority of the legislature is required to remove an EMB

member. Protection from arbitrary reductions in salary and conditions of service may also be guaranteed by law, as in Canada. In some other countries, such as Tanzania and Zambia, the president may remove a member for a cause, which in the case of Zambia includes bankruptcy. However, in both these countries there is no requirement for a due process of law, such as a hearing and/or approval by the legislature.

201. Protecting the tenure of party representatives on multiparty-based EMBs can be a complex issue. If parties are responsible for the appointment and removal of their representatives, they may also be free to replace their EMB representatives when they wish, as they are in Mexico. In Georgia, the law provides that EMB members, whether nominated and appointed by political parties or otherwise, are independent from their appointing authority, do not represent them on the EMB and are not accountable to them. Any interference by the appointing authority in their work is prohibited and punishable by law.

Oath/pledge-taking or Affirmation

202. In some countries, such as Indonesia and Lithuania, EMB members take a formal oath or a pledge of allegiance, loyalty and integrity before taking office. The oath or pledge may be administered by a senior official or judicial officer, for example, the chair or deputy of the Seimas (the legislature) in the case of Lithuania. The oath/pledge-taking binds the EMB members to uphold the constitution and the electoral laws of the country. The text of the oath or pledge may be simple, as in Slovakia, or more detailed, as in Indonesia. It may also include or refer to the code of conduct or any law governing conflict of interest for EMB members.

Internal Regulations

203. An EMB will generally need to issue and maintain a series of regulations governing the internal functioning of its operations. These may cover administrative, financial and technical issues, such as staff safety and security, authorizations to speak to the media, meeting procedures and standing orders, the membership of internal committees, logistics controls, purchasing, asset controls, financial disbursements and records management. These regulations may have more impact if the members of the EMB (or the head of the secretariat in a governmental EMB) are required to agree and formally issue them.

204. EMBs can delegate powers to make less critical internal rules to specified members of the secretariat. Distribution of these rules to all EMB members and staff (in regional/local as well as central offices) will promote adherence. Clear and enforceable sanctions for breaches of these regulations are necessary. Enforcement procedures need also to be fully and openly defined, and to follow accepted principles of justice. For governmental EMBs, and other EMBs using public service staff, the appropriate public service regulations may apply automatically; modification for EMB use may also be possible and desirable.

EMB Decision-making Processes

205. Methods of making EMB decisions vary according to the model of electoral management, a country's decision-making culture, and the requirements of the electoral law. Where the Governmental Model is used, EMBs rarely have 'members' and administration may be directed by the executive branch of government: the role of a governmental EMB may be as much one of proposing as determining action. Powers to determine policy and administrative issues may be delegated to the chief of the EMB secretariat by the government institution within which it is located.

206. For EMBs under the Independent Model and component independent EMBs under the Mixed Model, electoral law may specify some decision-making issues, such as the election of the chair, the decision-making powers of the EMB chair and/or EMB members meeting in plenary, the requirements for majority or super-majority votes, the role of the chair in voting and the use of casting votes.

207. While some key aspects of decision making may be covered by the electoral law, it is usual for the detail of the EMB's decision-making processes to be defined in standing orders or administrative procedures determined by the members of the EMB. Such documents may define a range of issues, including EMB members' authorities, such as:

- the role of the chair;
- responsibilities for decision making and abilities to delegate these;
- methods of calling EMB meetings;
- the frequency of meetings;
- responsibility for meeting agendas;
- the processes of decision making – proposals, rules of discussion, and types of voting and/or requirements for consensus;
- attendance at meetings and quorums;
- the rights and roles of secretariat staff at meetings; invitations to outsiders to attend EMB meetings;
- taking, authenticating and issuing meeting minutes;
- the method of issuing EMB policies and directions;
- methods of suspending or altering the standing orders; and
- responsibilities for media conferences.

208. In many instances, a quorum is formed by 50 per cent of the members and decisions are taken by simple majority of the EMB members present. However, in Lithuania, EMB decisions must be taken by consensus. In Bulgaria, members present during a meeting are not allowed to abstain from voting. In Georgia, a member with a dissenting opinion on a matter has the right to put his or her views in writing and to attach them to the minutes; however, he or she cannot prevent the majority decision being executed.

Meetings of EMB Members

209. The electoral law, or internal EMB regulations, may require decisions on particular matters – such as the issuing of subsidiary regulations, the validation of election results, staff appointments, or decisions affecting stakeholders' electoral rights – to be agreed in a plenary session of EMB members. Regular EMB member meetings also assist in developing agreed policy directions, reviewing EMB performance and providing guidance on policies to EMB secretariat staff.

210. While full-time EMB members may be available daily to provide direction to EMB secretariat staff, part-time members of EMBs are more likely only to meet occasionally to deliberate on policies and activities which shape the EMB's operations. Outside electoral periods, full-time membership EMBs may meet every week. Part-time membership EMBs usually meet less frequently, often monthly. During peak electoral event periods, more frequent meetings are usual: full-time EMBs may meet as often as daily. It is common for the minutes of EMB member meeting to be signed by both the chair and the secretary, and in some cases (especially in multiparty EMBs) by all members of the EMB, as a way of authenticating them.

Closed or Open EMB Meetings

211. EMB meetings that are open to the public may promote greater trust in the EMB. Where meetings are open to the public by law, it is important that the EMB publicizes the dates of its meetings. Decisions taken during each meeting still need to be publicized. It is also important that the EMB cooperates with the police to ensure the maintenance of security and protocol during EMB sessions. In Hungary and Lithuania, the law provides for EMB meetings to be open to members of the public, and in Lithuania, members of the public may record or film EMB sessions provided such activities do not disrupt the proceedings.

212. On the other hand, in South Africa and Zambia, EMB meetings are closed to any person who is not a member, unless he or she attends by special invitation. Closed EMB meetings may allow more open discussion, especially on sensitive matters, and members do not have to fear public reprisals for personal views on any matter brought before the EMB. However, closed meetings reduce the transparency of EMB decision making and can lead to public suspicions about the influences on the EMB. Any closed EMB meetings need to be followed closely by a public announcement or media conference on their deliberations and results – as is the practice in Jamaica. Posting minutes and summaries of EMB meetings on public notice boards and EMB web sites can keep the public informed about the EMB's decisions and activities.

EMB Member Committees

213. For EMBs with a relatively large number of members, it can be advantageous for the EMB to form committees to oversee or manage some of its activities. In countries such as Indonesia, Kenya and Namibia, the formation of such committees, responsible to the full membership of the EMB, has allowed greater specialization and concentration by EMB members on key policy

tasks. They may be an advantageous means of rationalizing oversight workloads during periods of peak electoral activity. In some cases, such committees have powers to co-opt non-EMB members, such as professionals from outside the EMB, or EMB secretariat staff. In Kenya, the EMB has formed the following committees: finance, administration, foreign donor funds, establishment, general purposes, logistics, legal and electoral reform, and computer.

214. Some EMBs establish a smaller group entirely or mainly from their membership, usually called a bureau, which interacts with the secretariat of the EMB on behalf of the members as a whole. Where EMB members are involved in the day-to-day leadership and management of the EMB's activities, as was the case in Indonesia in 2004, allocating specific direction and oversight tasks in this manner clarifies responsibilities and provides greater clarity to the secretariat staff. Individual members of the EMB in Thailand take on a similar management-oriented role.

EMB Members' Relationships with the EMB Secretariat

215. Where the Independent or the Mixed Model of electoral management is used, the relationship between EMB members and EMB secretariats is critical. Appropriate roles for EMB members can vary widely. EMBs made up of part-time members are more likely to adopt a more hands-off approach of providing broad policy review and oversight, while those with full-time membership may be more directly involved. Members of component independent EMBs under the Mixed Model may be less likely to be involved in detailed administration issues, and more involved in overall integrity and quality control. Especially in elections marking transitions to multiparty democracy, members of EMBs under the Independent Model which use a public service secretariat, and members of component independent EMBs under the Mixed Model, may find it prudent to assume a publicly visible operational management role to enhance the public credibility of the electoral process. In some countries, such as Yemen, EMB members may assume the responsibility of head of a department of the secretariat.

216. Elements that can promote an effective working relationship between EMB members and secretariat include a clear delineation of powers and tasks between the members and the secretariat, clear hierarchical authority between the members and the secretariat, and competent appointments which generate mutual respect between the members and the secretariat. For a trusting relationship between EMB members and the secretariat it is important, where public servants make up the secretariat of an EMB under the Independent Model, that they report directly and only to the EMB, not also to an outside department of government. Where the Mixed Model or the Governmental Model is used, a single departmental reporting responsibility for electoral issues handled by secretariat staff of a governmental EMB is highly preferable for the same reasons.

217. Attendance by the head of the secretariat or his/her nominee at all EMB plenary meetings, as an invited speaker or guest (as in Indonesia), as a non-voting EMB member (as in Jamaica), or as an EMB member with full rights (as in Australia) reinforces the links between EMB members and the secretariat staff, and ensures that all meetings have the benefit of advice on the practical operations of the EMB.

CHAPTER SUMMARY

- Independent EMBs are found under both the Independent and the Mixed Models and are guided by a 'board' of EMB members. With very few exceptions, EMBs under the Governmental Model, and governmental EMBs under the Mixed Model, do not have EMB members, only secretariat staff.

- There is no optimal number of members of an EMB, and no general principle to indicate that full-time or part-time EMB membership is preferable. The size of the country and its population, economic and geopolitical issues, the EMB's powers and functions, the strength of the EMB's secretariat, and whether electoral management follows the Independent or the Mixed Model may determine the size and work schedule of the EMB membership.

- EMB members need to have sufficient status to entitle them to respect from their counterparts in other sectors of society, and constitutional or legal guarantees of their conditions of service and security of tenure sufficient to enable them to act without fear or favour.

- Independent EMBs under the Independent and Mixed Models may have a membership that is multiparty – nominated by political parties qualified to do so, or expert – politically non-aligned members appointed on the basis of their professional skills, or combined – a mixture of political and professional appointees. The type of membership that is suitable for a particular country will depend on its political environment and stage of democratic development.

- Fixed and secure terms of office for EMB members allow for institutional confidence and renewal. Staggering EMB members' terms of office minimizes disruption and assists in retaining an EMB's institutional memory.

- A quality EMB membership selection process can be achieved by open advertising for candidates and ranking all applicants according to a transparently applied 'fit and proper' test. The most widely accepted procedure for EMB appointment is for one branch of government to nominate and another to confirm. This process could start with the executive or judiciary and end with the legislature or vice versa.

- Electoral law usually specifies the qualifications to be an EMB member, which generally include citizenship, good repute, ability to act impartially, and professional qualifications or knowledge. They may include other factors such as age, health, holding or not holding specified positions, and residence.

- EMB members need to develop decision-making and management mechanisms that are suitable for the type of EMB and the country's management culture. They need to adopt standing orders that ensure transparent EMB meeting and decision-making processes, and internal regulations for the good administration of the EMB. It may be useful for the EMB membership to form subcommittees dealing with different aspects of electoral administration.

- EMB meetings can be either closed or open to the public. Open meetings may promote greater trust in the EMB and its activities, while closed meetings may better allow open discussion on sensitive matters.

- A good working relationship between EMB members and its secretariat is critical for the effective functioning of the EMB.

CASE STUDY: Iraq

Iraq: International Institutional Design

Jarrett Blanc

Historical Background

The Independent Electoral Commission of Iraq (IECI) was created by Coalition Provisional Authority (CPA) Order no. 92 of 31 May 2004 and empowered to be 'the exclusive electoral authority throughout Iraq during the Transitional Period'. The IECI was set up as an 'independent and autonomous, non-partisan, neutral and professional government office' mandated to 'organize, oversee, conduct, and implement all elections set forth in' the Law of Administration for the State of Iraq for the Transitional Period (Transitional Administrative Law, TAL). These included:

- elections to a Transitional National Assembly (TNA), the Kurdistan National Assembly (KNA), and governorate councils, held on 30 January 2005;
- a referendum on a draft constitution (to be drafted by the TNA), held on 15 October 2005; and
- general elections under the new constitution on 15 December 2005.

The Legal Framework

CPA orders formed the basis of the electoral legal framework, including the system of representation, the rules governing political parties, and the creation of an independent electoral authority. These orders were the result of inclusive discussions between the major Iraqi political factions, moderated by the United Nations and approved by the Interim Governing Council and the CPA. The major components of the legal framework were:

- the TAL, which described the elections required in the transition process and established fundamental rights, including the definition of the citizenship and political rights (e.g. freedom of speech and peaceful assembly) that are essential to the electoral process;
- CPA Order no. 92, which established the IECI and a panel of judges to hear appeals against IECI decisions;
- CPA Order no. 96 of 15 June 2004, including a transitional electoral law specifying the system of representation and voter eligibility for the TNA elections;

- an act of the interim government specifying the system of representation for the governorate council elections and an amendment to the KNA electoral law adopted by the former KNA, bringing that law into substantive agreement with the rest of the legal framework, especially on issues of system of representation, candidate eligibility and voter eligibility;
- CPA Order no. 97 of 15 June 2004, including a transitional political party law; and
- 17 regulations adopted by the IECI covering issues ranging from electoral offences to election observation to polling and counting.

Bearing in mind that CPA Order no. 96 applied only to the 30 January 2005 TNA election, this legal framework was expanded by the TNA in order to provide guidance for the referendum and general election. The TNA adopted a law on the 'referendum process', which included the form of the referendum question, eligibility criteria, and an interpretation of the TAL's requirements for the passage of the constitution. This interpretation proved to be controversial as it would have made defeat of the constitution very difficult, and it was outside the bounds of a normal legal reading of the TAL, and it was eventually changed by a TNA decision. An electoral law was adopted on 12 September 2005 for the 15 December 2005 general elections. The law established a system of representation, voter eligibility criteria, eligibility requirements for candidates, and restrictions on the election campaign for the new legislative body, the Council of Representatives.

Although CPA Order no. 92 was still in effect, leaving the IECI with all necessary authorities to conduct the general election, the new electoral law did specifically reaffirm the IECI's role. This gave the IECI the 'right to issue regulations and instructions necessary for the implementation of this law'.

The Structure of the IECI

The IECI has two major components. The Board of Commissioners heads the IECI, and the Electoral Administration implements the election operation under the board's authority. In addition, a Transitional Electoral Panel of three judges has been set up to hear appeals against IECI decisions.

The Board of Commissioners has seven voting members and a non-voting chief electoral officer (CEO). All current members were selected after a process of public nomination followed by vetting and interviews conducted by the United Nations. Almost 1,900 Iraqis were nominated for positions on the board in April and May 2004 despite severe domestic unrest at the time. Nominations were received from residents of all of Iraq's 18 governorates, and 111 women were nominated. In addition, an international electoral expert appointed by the United Nations serves as a non-voting member of the board. A secretariat and an audit unit report directly to the Board of Commissioners.

The Electoral Administration is managed by the CEO and has a national headquarters and several levels of electoral offices. The national headquarters has divisions for administration, finance, public outreach, capacity building and operations. There are electoral offices in the Kurdistan region, in each of the 18 governorates (with two in Baghdad), and in 542 districts. Each district electoral office is responsible for an average of ten polling centres with up to 3,000 voters each. Due to the security situation prevailing in Iraq, not all governorate and district offices have been open or staffed at all times, requiring the IECI to direct staff and resources flexibly to ensure that the voter is served as well as possible.

Staff of the Electoral Administration were appointed through a competitive application process, with members of the Board of Commissioners participating in the appointment of

senior officers such as division directors and governorate electoral officers. IECI staff are to be professional and non-partisan, but in the transitional period their precise status as professional civil servants is unclear.

Given the demanding electoral calendar, formal professional development opportunities for IECI staff have been limited. 'On-the-job' learning has been augmented by training and study trips as appropriate.

The Transitional Electoral Panel was set up by CPA Order no. 92. It is made up of three judges appointed by the Higher Juridical Council to hear appeals against the IECI's decisions. Its jurisdiction is limited to final decisions of the Board of Commissioners, which can only be overturned if the panel finds them to be 'arbitrary, capricious, in excess of jurisdiction, or rendered in bad faith'. In addition, the panel must act according to strict timelines in order to allow the electoral process to continue on schedule. There is no appeal against its decisions to any other body.

Powers and Functions

The electoral legal framework gives the IECI very broad authorities – something that is unusual for settled or even transitional democracies, but less unusual for countries in conflict or emerging from conflict. According to CPA Order no. 92, 'the Commission is empowered to take all necessary measures consistent with [the fundamental rights guaranteed by] the TAL to oversee and administer genuine and credible elections throughout Iraq'. This order lists the following specific functions:

- to determine, establish, develop, certify, subdivide and maintain the electoral register;
- to help build social support for and confidence in the electoral process throughout Iraq;
- to regulate and conduct the registration and certification of political parties;
- to regulate and conduct the registration and certification of candidates for office;
- to accredit election observers and other officers engaged in monitoring and/or observing elections in Iraq;
- to manage the work of polling and vote tabulation;
- to adjudicate in electoral grievances and disputes; and
- to certify election results.

IECI regulations issued in each of these areas address questions which, under other circumstances, might be settled by legislation rather than regulation. While the IECI is not accountable to any other organ of state, it has usually interpreted its authorities as narrowly as possible, seeking legislative guidance from the various interim and transitional authorities as appropriate.

Because the systems of representation used for the 30 January 2005 elections did not require the delimitation of electoral districts (or constituencies) or the apportionment of seats, these responsibilities were not assigned to the IECI or any other body. All the 30 January 2005 elections used a system of proportional representation (PR) in a single national electoral district, so that for the TNA all of Iraq was the electoral district; for the KNA all of Kurdistan was the electoral district; and for each governorate council the whole area of the governorate was the electoral district. The 15 December 2005 elections to the Council of Representatives used a system of PR within electoral districts. The electoral law defined the electoral districts as the existing governorates, so that no delimitation was required. The IECI was, however, empowered to apportion seats between the electoral districts using a (legally specified) population database and the Quota and Least Remainder system of proportional division.

The IECI did not have regulatory authority over the media but did coordinate with the Iraqi National Communications and Media Commission on campaign-related media regulation. Similarly, although the IECI was empowered to issue financial disclosure regulations, it did not do so for the 2005 elections.

Financing

Given its broad authorities, and in order to ensure the IECI's effective independence, CPA Order no. 92 assigned the IECI extensive control of its finances, establishing that:

> The Iraqi government shall ensure that the Commission receives all of the resources necessary for administering elections throughout the Transitional Period. Notwithstanding the foregoing, the Commission may seek to enlist the international community for appropriate assistance in this regard, including the direct provision of additional funds or resources. All Commission resources shall be solely managed and obligated by the Commission. The CEO shall be responsible for the accounting of these resources.

Although technical issues related to Iraqi government finances and payments were occasionally problematic, the IECI received all the support it requested from the interim government, as well as generous support from international donors, prior to the 30 January 2005 elections; it anticipated the same support for the remainder of the transitional electoral cycle. The IECI established an internal audit unit reporting directly to the Board of Commissioners in order to discharge its financial duties in the most transparent possible manner.

In addition to funds, the IECI received important material assistance from the Iraqi government and the international community. This included data from the Ministry of Trade used in creating a provisional electoral register; warehouse and other facilities from the ministries of trade and education, and others; security support from the Iraqi security forces and the UN-mandated Multi-National Force; and international technical assistance.

The Future of the IECI

The administration of future elections in Iraq is now the responsibility of the National Assembly elected in December 2005. The IECI, does, however, seem to have built support for the concept of independent electoral administration. A public opinion survey conducted by the International Republican Institute (IRI) in February and March 2005 found that 72 per cent of Iraqis believed the 30 January 2005 elections to be fair or very fair, and the responses to specific questions about aspects of the IECI's performance were similarly favourable.

Discussions within the TNA on constitutional and legislative matters included the possibility of establishing a permanent and independent electoral management body to succeed the IECI. Any new institution would require a more extensive legislative framework, along with more professional and institutional development for the EMB and its staff.

CASE STUDY: Senegal

Senegal: Independence Strengthened in a Mixed Model of Electoral Management

Claude Kabemba and Andrew Ellis

Senegal has held regular elections since its independence in 1960. From 1960 to 1998 all elections were organized and supervised by the Ministry of the Interior. Although a multiparty system has existed since 1974, there was no change of power at an election until the year 2000. Most elections were disputed, and contestation reached a dangerous point in 1988. Amid pressure, the government, together with the opposition, drafted a new Electoral Act, which was adopted by Parliament in 1992. However, this act was more of a political than a legal and technical instrument. It did not clearly define the decision-making mechanisms and provided for consensual decision making in terms of election disputes. It was therefore difficult to apply its provisions, as they were open to different interpretations by different groups. Ultimately, despite the view of most political actors that the act was good for the country, it failed to resolve election-related tension and disputes. In 1996, opposition parties started asking for an independent electoral commission to be established.

In 1998, under pressure from the opposition, President Abdou Diof introduced changes to the election management structure by creating two separate bodies, the General Directorate of Elections (Direction Générale des Elections, DGE) and the National Elections Observatory (Observatoire National des Elections, ONEL). ONEL was an independent temporary body only put in place at the beginning of each election year. It had nine members who are chosen for their high moral integrity, nominated by the president after consultation with different professional associations such as human rights groups, lawyers' associations, the media associations and the universities. This was, according to one of the opposition leaders, the first time in 40 years when the entire political class was able to participate in elections with equal chances.

The Socialist Party of Senegal (Parti socialiste du Sénégal, PSS), which ruled Senegal for over 40 years, lost the 2000 elections when President Abdou Diof lost to Abdoulaye Wade of the Senegalese Democratic Party (Parti démocratique Sénégalais, PDS). For these elections, President Diof appointed a former army chief to head ONEL. This choice was motivated by the fact that the military and the police do not vote, and as a measure to limit opposition criticism. Notwithstanding ONEL's independence, citizens raised concerns about the closeness of these institutions to government and the political parties, and civil society groups called for the establishment of a single independent body to run elections.

Discussion and negotiation between the various stakeholders resulted in a report to the president from a commission headed by a university professor proposing the replacement of ONEL by a new body, the Autonomous National Election Commission (Commission Electorale

Nationale Autonome, CENA), made up of civil servants, academics and people from civil society organizations. The National Assembly in May 2005 unanimously enacted a law creating the CENA. Its powers were considerably wider than those of ONEL, as the new body assumed direct responsibility for control and supervision of the registration and electoral processes. However, the choice of its 12 members, required to be independent and of high morals, and sworn in by the Constitutional Council in July 2005, was contentious. In particular, the newly appointed chair of the CENA, a retired judge, was challenged on the grounds of the political activism of a family member. The opposition parties submitted a challenge in the Constitutional Council, which was subsequently rejected.

By December 2005, the CENA was able to establish bodies at departmental level, the autonomous departmental electoral commissions (Commissions électorales départementales autonomes, CEDA). In 2006, it launched a new process of registration for both population and electoral purposes which involved the issuing of biometric cards to some 3 million Senegalese citizens. However, arguments about the resourcing of the CENA had already surfaced.

Legislative Framework and Institutional Structure

The constitution and the 1992 Electoral Act provide the legislative framework for elections in Senegal. They lay down how elections should be organized and who should organize them, from the delimitation of electoral district boundaries and the registration of voters to the actual running and supervision of elections. The Electoral Code of 2005 defines the powers and functions of the CENA.

The DGE is a permanent structure. It is a department within the Ministry of the Interior and is answerable to the minister. It operates as an ordinary government department.

The DGE is charged with the organization of national and local elections and of referendums. This includes among other functions:

- management of the process of voter registration;
- the organization and distribution of electors' cards;
- the printing of ballot papers;
- the tabulation of votes;
- support to the security services on electoral matters;
- the design, maintenance, use and archiving of electoral documents;
- training of electoral officials, judicial personnel and elected members;
- support to judicial institutions in carrying out electoral functions;
- civic education;
- use of IT to meet electoral needs; and
- the drafting and implementation of budgets for voter registration and the conduct of elections.

The DGE has two major directorates, one dealing with the management of operations for voter registration and for electoral events, the other with training and civic education.

Power, Functions, Funding and Accountability

The Ministry of the Interior through the DGE is responsible for the organization and administration of all elections, and remains answerable to the minister of the interior. The role

of the CENA is to control and supervise all electoral operations. It ensures that all stakeholders, including the government and the political parties, abide by the rules and regulations governing elections.

Both the CENA and the DGE are state-funded. The DGE's budget comes from the Ministry of the Interior, while that of the CENA is voted for by the Parliament.

CASE STUDY: Afghanistan

Afghanistan: An Electoral Management Body Evolves

Reginald Austin

Although elections were held in the Kingdom of Afghanistan in the 1960s, in 1977 after the 1973 *coup d'état*, and during the Soviet occupation after 1979, they were never of an internationally recognized standard. Traditional means of choosing tribal or clan Shura leaders persisted. One scholar noted that Afghans regarded the idea of a choice by secret ballot as somewhat 'sneaky', and preferred the 'honest' expression of choice by a show of hands. During the Soviet period the universal franchise, to include women, was adopted, but was culturally controversial. During the 25-year period of fierce war, victory through the bullet rather than the ballot decided who would govern.

Following the defeat of the Taliban in late 2001, the anti-Taliban Afghan factions assembled in Bonn to agree on future stability and democratic government. The Bonn Agreement of December 2001 recognized Afghanistan's sovereignty, despite the serious 'failed state' condition of the country and the unfinished war against the Taliban and Al Qaeda, as well as the fact that powerful armed factions (warlords) were in control of many areas outside Kabul.

The Bonn Agreement mandated the UN to take the first formal step towards democracy – the registration of voters for elections in mid-2004. The UN commenced this task in February 2003. It was a structurally 'messy' arrangement. Formally the sovereign Afghan authorities were responsible for the election. In fact there was no existing Afghan institution that could manage the elections, and in particular no EMB. Nor was there a legal framework to make a credible election possible.

The Evolution of the EMB

The evolution of an Afghan EMB is a complex process which has gone through five phases over the past three years.

- The first body charged with the functions of an EMB was a purely UN body created in early 2003 – the Electoral Component of the UN Assistance Mission in Afghanistan (UNAMA) (the UN Component).

- In mid-2003 an Interim Joint Electoral Management Body (the JEMB) was created, with both Afghan and international members. It had no operational capacity and depended upon the support of various UN and other international organizations. Its responsibility was to supervise the UN Component.
- In early 2004 the UN Component was transformed into an advisory service to an Afghan-led Secretariat responsible to the JEMB. That organization completed the preparations for and conducted the 2004 presidential election.
- In early 2005 the JEMB's Afghan commissioners were entirely replaced by a new set of Afghan nationals, and some of its international members were also replaced. The JEMB remained an interim body. Its Afghan Secretariat was replaced by an Electoral Component appointed by UNAMA and internationally managed. This organization managed the 2005 parliamentary elections.
- Finally, in late 2005 the JEMB was replaced by the Independent Election Commission (IEC), which retained some of the JEMB's Afghan members. It has an Afghan Secretariat. Provision is made for international advisers to serve both the IEC and the Secretariat.

The Legal Framework

The evolving EMB in Afghanistan is still a work in progress. The Bonn Agreement prescribed a UN role, endorsed by the UN Security Council, but the agreement is domestic and political. It is not an international or legally binding agreement. Neither the 2004 presidential election nor the 2005 parliamentary election was a UN peacekeeping election conducted under UN rules and regulations. The sole legal authority is the Transitional Islamic State of Afghanistan (TISA) – first the interim, and now the elected president and his Cabinet.

A decree of 26 July 2003 created the Interim Afghan Electoral Commission (IAEC) and the JEMB. Until then, the absence of any Afghan body to work with the UN had implied that the initial Voter Registration Work Plan and Budget could only be designed as an entirely UN operation, based on UN standards and pay scales. The resulting 130 million US dollar (USD) draft budget (June 2003) disturbed the TISA, donors (who would bear most of this cost) and the UN, and stirred them to action. The IAEC was urgently created, notionally to employ and support the Afghan registration staff at Afghan rates of pay. This would save the donors over 30 million USD. Despite the resulting economies, a second budget/work plan, launched in August for an October 2003 start, failed for lack of funding, and a scaled-down start was only possible in December 2003. This was based on the November 2003 Decree on Registration of Voters for the 2004 Elections.

At the end of December 2003 the new constitution of Afghanistan was promulgated, with various electorally significant provisions.

To bring the fiction of Afghan election management closer to reality, and to emphasize national capacity building as an integral part of the process, the decree of 18 February 2004 on The Elements of Convening Elections during the Transitional Period introduced a new institutional and management structure. The Electoral Component and officers of UNAMA became the 'technical advisers' to the newly appointed Afghan director of the JEMB Secretariat and his national managers at central and provincial levels.

On 27 May 2004 the Afghan Cabinet finally issued a decree establishing the Election Law. The presidential election was held on 9 October 2004.

On 21 January 2005, the entire IAEC was replaced by a presidential decree appointing new commissioners. An amended Election Law was adopted in May 2005. Together with the decree on The Basics of Holding Elections during the Transitional Period, it made significant

changes. Notably, it restored greater UN control for the 2005 parliamentary elections, with the restoration of a UNAMA chief electoral officer (CEO), reporting directly to the JEMB. It abolished the post of the Afghan director of the JEMB Secretariat.

Under the May 2005 Election Law, the transitional period ended 30 days after the parliamentary elections, which took place on 9 October 2005. With these elections the JEMB completed its work and handed over to the eight-member IEC and its Secretariat. Members of the new IEC have security of tenure and a fixed term of office of three years.

Institutional and Operational Issues

The JEMB headed the management system for both the 2004 presidential and the 2005 parliamentary elections, supervising the Secretariat. For the presidential election, the Secretariat was headed by its Afghan director. For the parliamentary election, the Secretariat was run by the CEO, appointed by the Special Representative of the (UN) Secretary-General (SRSG).

The operational structure established for the 2004 presidential election remained as complex during the 2005 parliamentary elections. The JEMB's practical tasks, relating to Afghan staff recruitment and pay, the development of electoral infrastructure and the procurement and support of transport, relied for both elections on the United Nations Office for Project Services (UNOPS). Neither the JEMB nor its Secretariat had either the independent capacity or ministerial support for such tasks. Until December 2004, a United Nations Development Programme (UNDP) Project Office provided financial mobilization/accounting and personnel management for the JEMB, the Secretariat, and the UNAMA Electoral Component.

Although the JEMB asserted its independence, it also paid considerable attention to the views of both the government and the SRSG's office. The international members, appointed by the SRSG, were on occasions given explicit instructions by the SRSG's office. The principle of independence was thus not entrenched or uniformly respected during the presidential election.

Before the 2004 presidential election, the JEMB Secretariat and the UN Component responded to the security situation by taking the initiative and setting up a Security Unit. This was an unusual initiative for an election administration, but provided essential close liaison with the Coalition, the Afghan security forces and the International Security Assistance Force (ISAF) units.

For the presidential election, a separate structure was established to undertake the out-of-country registration and voting for Afghan refugees in Pakistan and Iran. Once the JEMB decided (very late) to provide this service, it was delegated to the International Organization for Migration (IOM), the only body with experience relevant to conducting this massive task.

Powers and Functions

The JEMB had a standard range of EMB powers and functions: to prepare and conduct the voter registration, the nomination and screening of candidates (a politically delicate task), the polling and the counting, and the announcement of the results. The Ministry of Interior (MOI), not the JEMB, was responsible for the delimitation of electoral districts, but the JEMB allocated parliamentary seats to provinces on the basis of the MOI's information and managed the awarding of seats to candidates, including the reserved seats for women.

A separate Media Commission, reporting to the JEMB, was established in both election laws to ensure fair access to the public mass media, and this has worked reasonably effectively.

In response to comments on the 2004 presidential election, the 2005 Election Law provided for a separate, election-related Complaints Commission.

Financing

As indicated, both the presidential and the parliamentary elections were almost entirely funded by the voluntary contributions of international donors. Since UNAMA was not a peacekeeping mission, there was virtually no UN funding provided, despite the official role of the UN in the operation and its considerable UN content. A UN, UNDP and JEMB Post Election Strategy Group has recommended that the IEC should be state-funded but should manage its budget independently. The legislation which established the new (post-Bonn) IEC has not provided for the mechanism by which future elections will be financed. However, policy statements have been made suggesting that it will be state-funded. Given that some well-paid staff are still in place from the internationally-funded Bonn process, they are likely to demand better than normal government pay, and sustainability may become a problem. In 2006, international NGOs such as the International Foundation for Election Systems (IFES), the National Democratic Institute (NDI) and the Asia Foundation appeared to be ready to continue their support for international advisers to the IEC, but such commitments could clearly not be indefinite.

Professionalism

Special efforts were made during 2003/2004 to provide training for the IAEC members and enable them to observe their peers in operation. Following the appointment after February 2004 of the Afghan director of the JEMB Secretariat, Afghan managers at national and provincial level were appointed as counterparts to the UN Electoral Component's international staff already in place. This sought to introduce them to specific electoral tasks, and expose them to a range of international standards of professional practice. The return to an essentially UN management system for the parliamentary election in 2005 ended this practice. Consequently, a fresh capacity-building programme would be required to create a professional Afghan electoral body. Afghan officers given electoral responsibilities generally displayed sound understanding and a commitment to professionalism.

Relations with Other Institutions

The transitional process was marked by the electoral administration's massive interaction with and dependence on other organizations, international and national. Many of the former, including the European Union, the Organization for Security and Co-operation in Europe (OSCE), the IFES, the NDI and the International Republican Institute (IRI) of the USA, as well as the US-funded Asia Foundation, played significant roles in supporting the process. Donors' diplomatic representatives, aware of their 'investment' (real or promised) were, unusually, regular visitors and enquirers at the JEMB Secretariat.

Sustainability

Afghans involved in the process, including the government, showed a serious commitment to the ideal of the independence of the EMB. The interim nature of the IAEC may be viewed either as having somewhat undermined this or as having provided a serious training and testing ground and a base of demand for the new Independent Electoral Commission. The regional example of the Indian Election Commission provides an important and admired model. Funding is likely to be the key issue for sustainability, especially as the current election system implies considerable electoral costs.

Electoral Reform

The JEMB, with its Secretariat of national and international staff, played an important role in preparing and drafting the Election Law and related decrees. This role has been formally given to the new IEC by the 2005 Election Law. If the IEC is to play a structured role in this field with the legislature in the future, these provisions may need to be further institutionalized.

Chapter 5

Chapter 5

Planning and Implementing EMB Activities

The EMB Secretariat

218. The EMB secretariat is the policy implementation component in all models of EMB. In EMBs under the Governmental Model, the secretariat almost always is the EMB, and may also assist in making policy under the direction of the executive branch of government. In EMBs under the Independent Model, the EMB secretariat is the structure below the policy-making EMB member level, and encompasses the officials in the EMB who are responsible for electoral implementation. Where the Mixed Model is used, the component governmental EMB is the secretariat, with responsibility for implementation. The component independent EMB will also have a secretariat to service its own administrative needs.

219. Where the Independent Model is used, both the membership and the secretariat of the EMB are institutionally independent. Equally, where the Governmental Model is used, the membership (where it exists) and the secretariat are both part of the executive branch. Where the Mixed Model is used, the policy making level is usually independent from the executive, while the implementation level is part of the executive branch, and usually lies under a ministry such as the Ministry of Interior or the Ministry of Justice.

Table 11: The Policy-Making and Implementation Components of the Three Models of Electoral Management

	Independent Model	Mixed Model	Governmental Model
Policy-making component	Independent of the executive branch of the government	Independent of the executive branch of the government	Institutionally part of/ arranged/set up under the executive branch
Electoral implementation component	Independent of the executive branch of the government	Institutionally part of/ arranged/set up under the executive branch	Institutionally part of/ arranged/set up under the executive branch

220. The staff of the secretariat in EMBs under the Governmental Model and component governmental EMBs under the Mixed Model may be temporary appointments, undertaking other duties in periods when there is no electoral activity. In EMBs under the Independent Model, the secretariat is generally headed by a full-time administrator, with a title such as EMB chief executive officer (Zambia), director of elections (Tanzania), secretary-general (Burkina Faso), chief electoral officer (Afghanistan), or EMB secretary (Macedonia). In Australia, the person holding this position is called the electoral commissioner, and is also a member of the three-person EMB.

The EMB Secretariat and the Public Service

221. The procedure for appointing the EMB secretariat varies. In countries which use the Governmental or Mixed Model, elections are implemented by the executive through a ministry or local authorities. EMB secretariat staff are normally public servants, appointed by the executive through the same rules and regulations which apply to all public service appointments, and subject to public service policies on rotation, training and dismissal. There is commonly no mention in the electoral law of these issues.

222. Such public servants may be engaged in election administration full-time, as in the Czech Republic, Greece, Morocco and Norway. On the other hand, they may have other duties during electoral off-seasons and only be engaged in electoral work during elections. They are then deployed or seconded to the electoral office to assist with various tasks, such as boundary delimitation, voter registration, voter education and information, political party and candidate registration, voting and counting. This arrangement is used in countries such as Bermuda, Cyprus and the Republic of Ireland.

223. For EMBs under the Independent Model, in some countries the secretariat staff working for the EMB are directly appointed by the EMB under staffing structures and conditions that are determined by the EMB (as in Cambodia), while in other countries they are public servants and their salaries and conditions of service are linked to those of the public service. Even where secretariat staff are public servants, they may hold statutory appointments under electoral law.

224. The extent to which an EMB enjoys powers to hire and fire its public servant staff can be an indication of the extent to which it is independent of the government in practice. EMBs which have the power to hire and fire their own staff include those of India, Mexico, South Africa and Uruguay.

225. In other countries, such as Antigua and Barbuda, Botswana, Tanzania and Yemen, the chief electoral officer, who is the EMB's chief executive, is appointed by the president. A recent external review of the 2004 Botswana general elections recommended that the power to appoint the EMB's chief executive should be vested in the EMB rather than the president.

226. In Georgia, the staff of the EMB are all public servants. Except for the head of the secretariat, the staff of the Namibian EMB are also all public servants. The government approves

the creation of EMB positions and all EMB appointments are linked to public service salaries and conditions of service. The EMB determines the conditions of service for temporary election staff, such as polling station staff, but the Treasury must first approve their remuneration. In Canada and Kenya the EMB's returning officers (managers) at the electoral district level are appointed by the government and not by the EMB. This practice has been regarded as a weak link in electoral administration, especially in Canada (see the case study).

Table 12: Possible Advantages and Disadvantages of Using Public Servants as EMB Secretariat Staff

Advantages	Disadvantages
• Where the public service has tradition of neutrality, it may provide professional, loyal service • Knowledge of general public administration issues may reduce EMB training needs • May have networks within the public service that assist electoral activities (e.g. in procurement of materials, use of state facilities) • Offer a clear career path, even if not in the EMB • May be cost-effective and provide a pool of staff that can be used flexibly to meet staffing needs • Job security may promote continuity of staffing and organizational learning	• May not be regarded as neutral or impartial, thus reducing the credibility of the electoral process • May lack specific electoral skills • May not be accustomed to the time-critical nature of electoral tasks • May transfer/be transferred out of the EMB with little notice, resulting in critical skill losses • Pay scales may be insufficient to motivate performance or loyalty • May be working second jobs due to low pay, thus affecting commitment at critical times

227. Critical issues to consider when determining whether to use public servants as EMB secretariat staff are those of political neutrality and 'job fit' or skill levels. Public servants may be publicly regarded as associated with or easily influenced by the government, on whom they depend for their appointment, promotions and salaries, thus affecting the credibility of the EMB. Strong independent EMBs under the Independent or Mixed Model can overcome this impression.

228. In many countries, public servants may also not be highly trained or, because they only work infrequently on electoral matters or because of public service rotation policies, not technically skilled in electoral tasks. Blending skills that are available within the public service with outside appointment and the use of consultants can assist in raising skill levels. In a number of countries, including Indonesia, the EMB has successfully employed consultants and contractors for voter information and information technology (IT) tasks, and they have transferred skills to the EMB's public service staff.

Structuring the Secretariat

229. No matter what the model of EMB used, budgetary restrictions provide an overall constraint on the number and types of positions that an EMB can afford to fund. EMBs following the Independent Model which have powers to hire and fire their staff may be best placed to determine their own structure. Even in such cases, however, the law or government regulation may have already determined key elements of the organizational structure, such as senior executive positions and required functional divisions.

230. All EMBs that rely on public service staffing for their secretariat may face constraints on their flexibility to determine their organizational structure. General laws and practices for the public service may require approval for all organizational structures from a central supervisory body, or set rigid standards for how departments, sections, subsections and other work units must be structured, or place restrictions on the use of non-public service contractors or experts. The staff of governmental EMBs under either the Governmental Model or the Mixed Model, all or most of whom work within public service departments, may have even greater constraints, as they may have to fit not only the structure of a temporary electoral organization but also the continuing work structure for their department or authority's other tasks. EMBs under the Independent Model which have control of their own staffing may be better placed to have structural flexibility.

231. 'Developing' is a key term for EMB organizational structures. Devising an initial structure is the first step, but maintaining an organizational structure that continues to meet the evolving legal framework, the rapid advances in electoral information and communications technology, and the expectations of stakeholders, is a real challenge. Flexibility to meet these demands is more difficult when the organizational structure is partially or wholly defined by law or regulations of bodies other than the EMB, or where the EMB's structure and staffing are subject to general public service rules. While constant organizational change is unsettling, the inclusion of structural reviews in evaluations after major electoral events, and the EMB having powers to make changes or additions to organizational structures, can all enhance the effectiveness of electoral management.

Organizational Structure Charts

232. Determining the internal working relationships of the EMB entails the creation of an organizational structure chart (organogram) that provides for effective integrated planning, service delivery and management control. Examples of organograms from South Africa, Afghanistan, New Zealand, Papua New Guinea and Costa Rica are contained in figures 3 to 7.

233. The EMB may carry out this exercise itself if it has in-house expertise. Alternatively, it could hire an expert consultant or organization or another EMB to assist with the development of its organizational structure. It is important that an EMB or its agents consult broadly on the development of the EMB organizational chart so as to promote stakeholder involvement

in the EMB's operations. Stakeholder involvement can ensure that the EMB considers external service delivery expectations, rather than merely internal management needs, when developing or reviewing the organizational structure.

234. The number of staff positions to be created, their levels of seniority and their management relationships will be determined by what is required to fulfil the EMB's mandate effectively. Ideally, the structure will wholly reflect the EMB's objectives and functions rather than being tailored to the staff skills available, although this approach may be more difficult in EMBs that are wholly reliant on more inflexible frameworks of public service staffing.

235. Continuity of electoral work is a major consideration in developing the organizational chart. The timing of EMB functions may be as important as the functions themselves. There are basic administrative, review and evaluation, and electoral event planning and preparation tasks that are almost always thought to require a base level of permanent staff. The EMB may also have other powers and functions which require ongoing implementation, such as voter registration, political party registration and oversight of funding, and voter education and information. Even if there are relatively few continuous tasks, the EMB may benefit from maintaining a strong and broadly-based permanent management team across all functions, so that peaks of activity can be effectively handled.

236. Creating too many positions on the EMB organizational chart is likely to promote public criticism, especially during the period between elections when it is difficult for the public to visualize what, if anything, EMB staff are doing. Equally, maintaining too lean a structure may increase efficiency during periods of low activity but may undermine progress and continuity. Before implementing a 'lean' staffing plan, the potential availability of additional staff for peak workload periods and the in-house capacity to train new staff have to be carefully assessed. In this respect, governmental EMBs under the Governmental Model or the Mixed Model that have the ability to draw on additional public service resources to handle peak workloads may be better placed to operate continuously at peak efficiency.

> The quantity and quality of EMB staff appointments should match the outcomes and outputs required by the EMB's strategic plan.

How to Develop an Organizational Chart

237. The task of developing an organizational chart requires an EMB to identify:

a. the powers, functions and tasks which the electoral legal framework gives to the EMB;
b. the timing of implementation of those tasks;
c. the number of permanent staff required to perform each function or task;

d. the level of qualifications and experience required to perform each of the identified functions and tasks;
e. the EMB's management hierarchy – who is answerable to whom; and
f. the relationships among various EMB layers, including the need or otherwise to create permanent or temporary positions at regional locations, and the hierarchy and structure of accountability within and between EMB locations.

Model Secretariat Structures

238. EMB structures have to be sufficiently robust to deal with real-world conditions that may be disorganized or conflictual. Despite the multiplicity of possible organizational structures for an EMB, there are some general concepts worth considering when developing the secretariat's structure:

a. Flatter organizational structures (fewer management levels) can deliver services faster, often more effectively, and reduce inefficient empire building.
b. Structures are most effective when clearly linked to the EMB's strategic plan.
c. Outward-looking structures focused on service delivery to stakeholders are better than inward-looking ones focused on management or support functions.
d. Structures need to facilitate both vertical and horizontal communication within the EMB.
e. Clear work output expectations and accountability for services should be attached to each organizational unit.
f. Structures should promote support of operational areas by corporate service (for example finance and personnel) areas.
g. An independent internal audit function, bypassing the secretariat structure and reporting directly to the head of the secretariat or EMB members, can assist in assuring integrity and probity.

239. Decentralized EMBs need to determine the accountability structure for regional offices. Do they report direct to the members of the EMB, or to the chief of the national secretariat, which is the more usual route? The situation becomes more complex if the legal framework defines a structure where there are both appointed members of regional EMBs and EMB secretariats at regional and lower levels. This has been the case in Indonesia, where the appointed regional EMB members report hierarchically to the EMB members at the next higher geographical level EMB, and the secretariat at the regional level reports to the head of the EMB secretariat at the next higher level. Such complex and divided reporting arrangements may confuse staff as to who ultimately directs them.

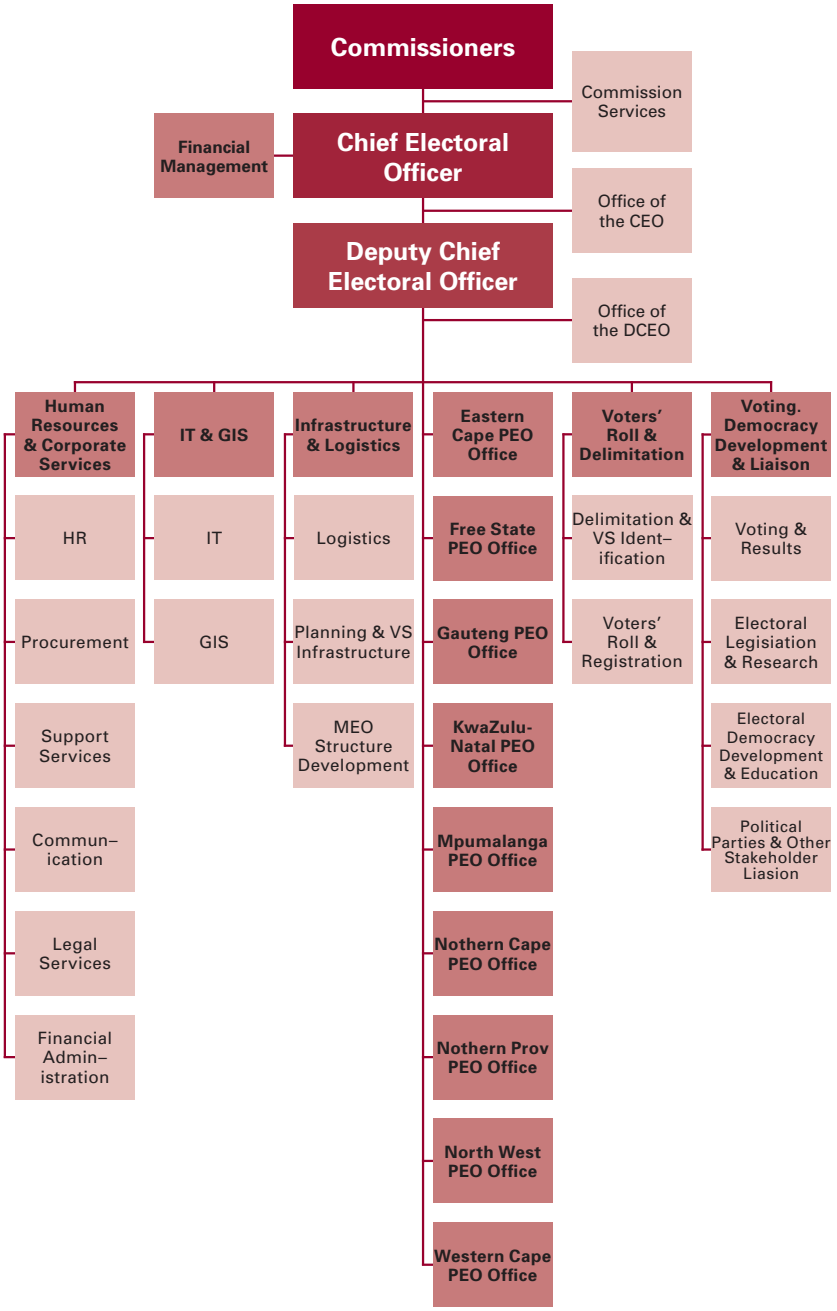
240. Some EMBs are structured into two main divisions:

a. electoral operations, covering subdivisions such as voter registration, boundary delimitation, the organization of voting and vote counting, party and candidate registration, electoral training and development, research, information services and publications, and legal affairs; and
b. corporate services, covering subdivisions such as financial management, human resources management, knowledge management and IT infrastructure management.

241. However, some functions that do not fit easily into either of these two divisions – such as stakeholder relations, international relations and support for the EMB members – may be attached directly to the head of the secretariat's office. It is preferable that audit and evaluation functions report directly to the chair or members of the EMB for independent EMBs under the Independent Model and component independent EMBs under the Mixed Model, and to the EMB's chief executive officer for governmental EMBs under either the Governmental Model or the Mixed Model.

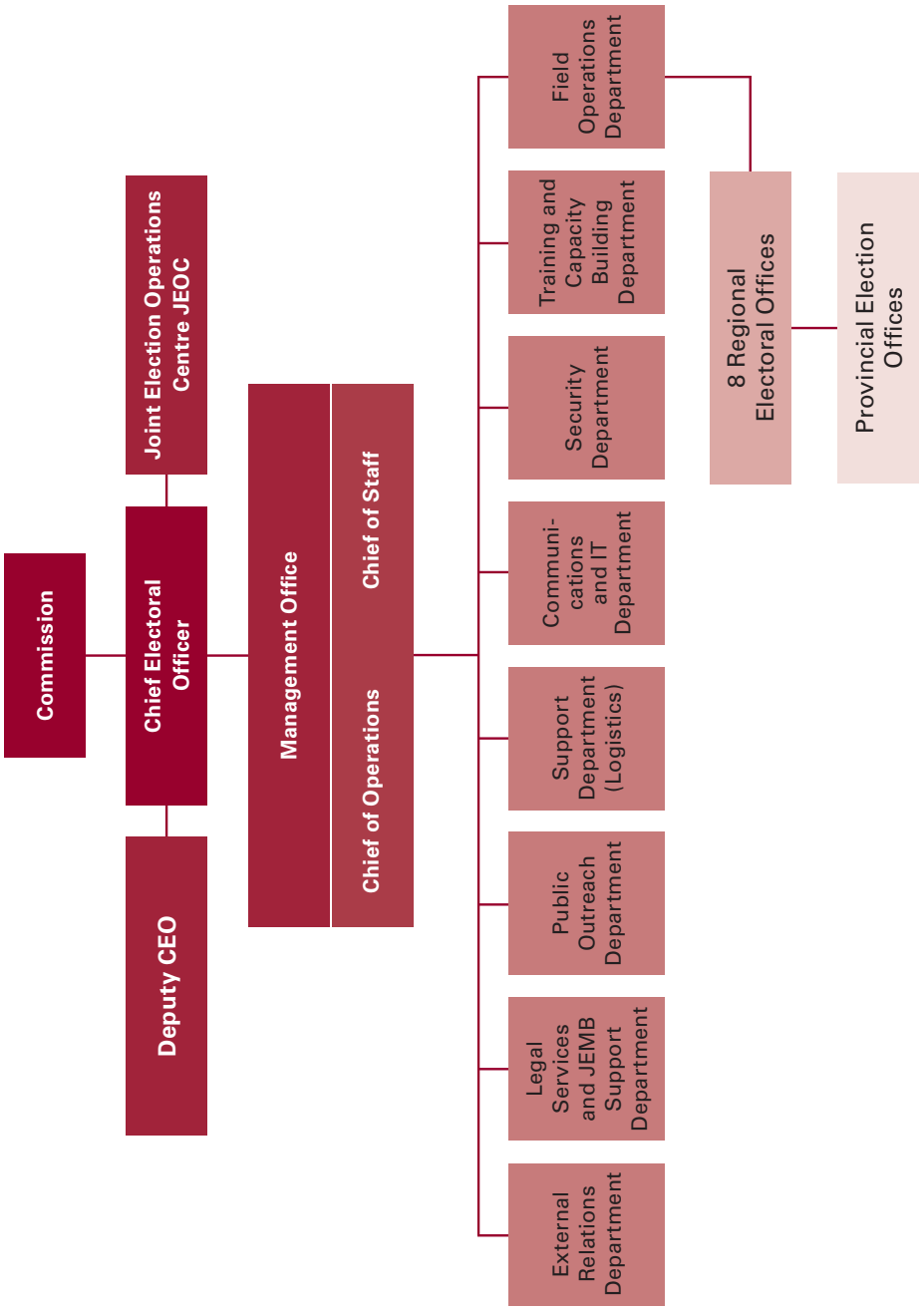
242. This two-division structure may not, however, necessarily fit specific electoral environments. There are a large variety of structures deemed appropriate by EMBs, some of which are presented in the case studies. Judgement on an appropriate structure has to be made by each EMB bearing in mind its environment, functions, priorities and strategy.

Figure 3: Organizational Structure of the South African Independent Electoral Commission



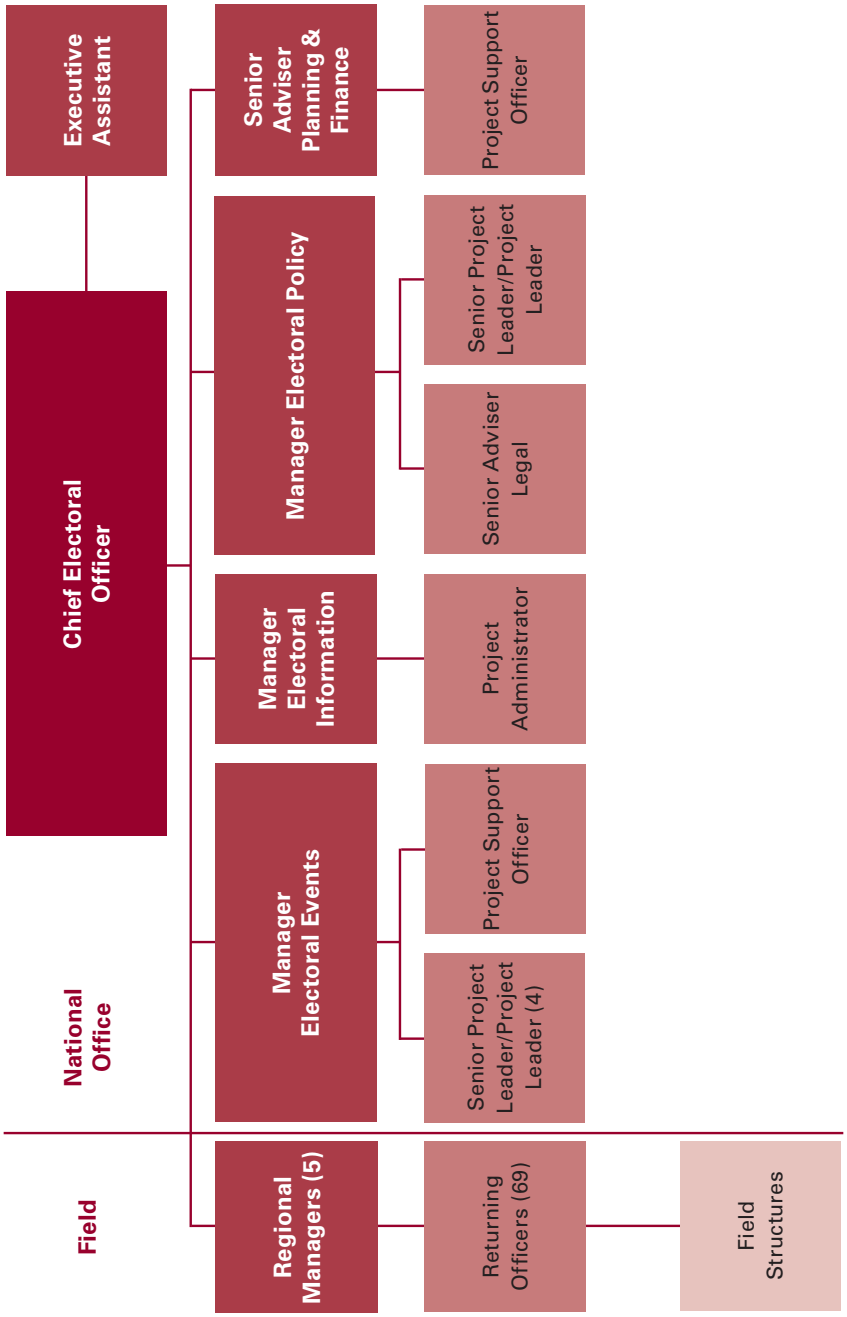
Source: Website of the Independent Electoral Commission of South Africa (<http://www.elections.org.za/organizational.asp>).

Figure 4: Organizational Structure of the Afghanistan EMB



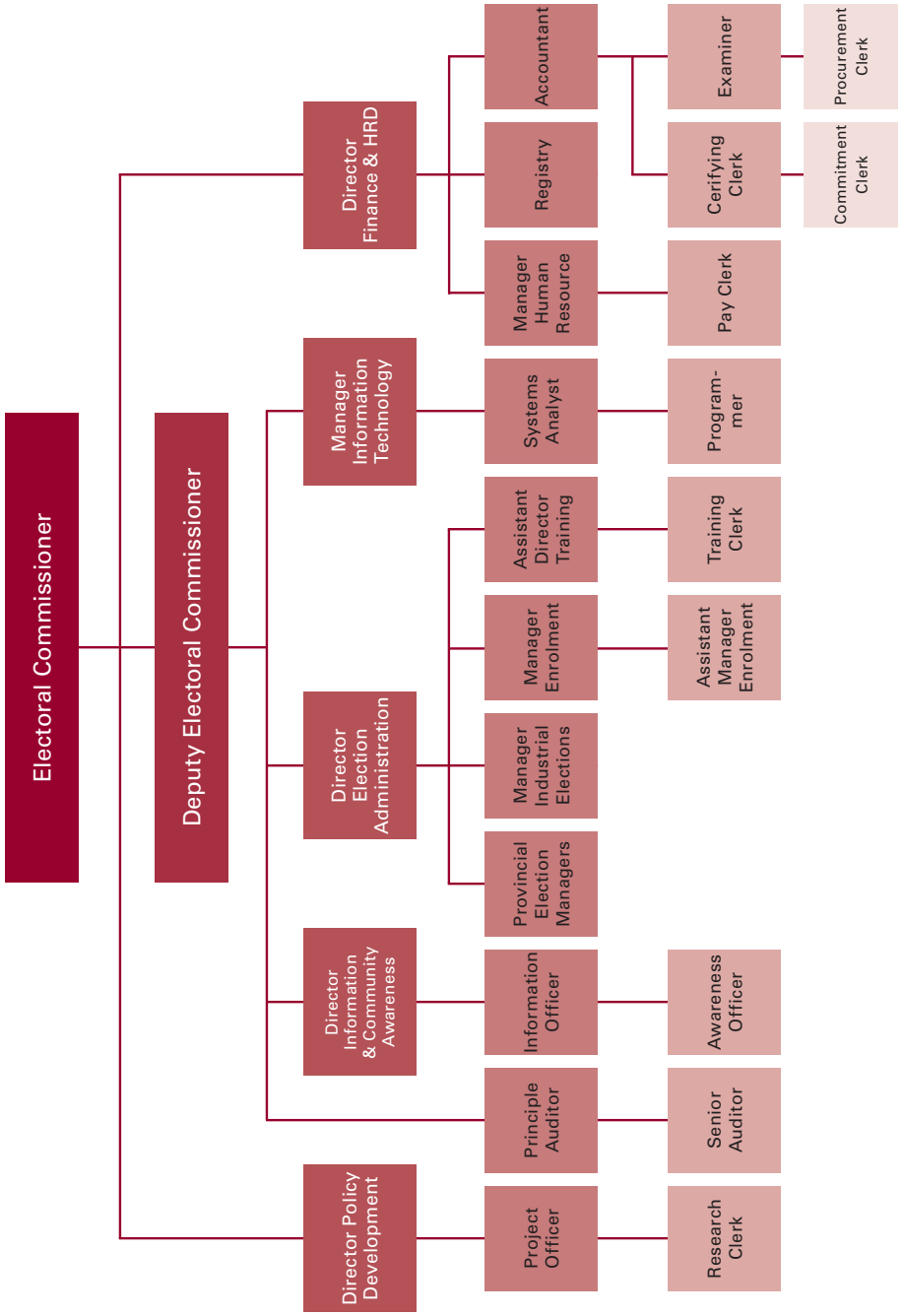
Source: Based on the narrative description of the structure provided on the website of the Joint Electoral Management Body – JEMB of Afghanistan (<http://www.jemb.org/eng/jemb_content.html>).

Figure 5: Organizational Structure of the New Zealand Chief Electoral Office



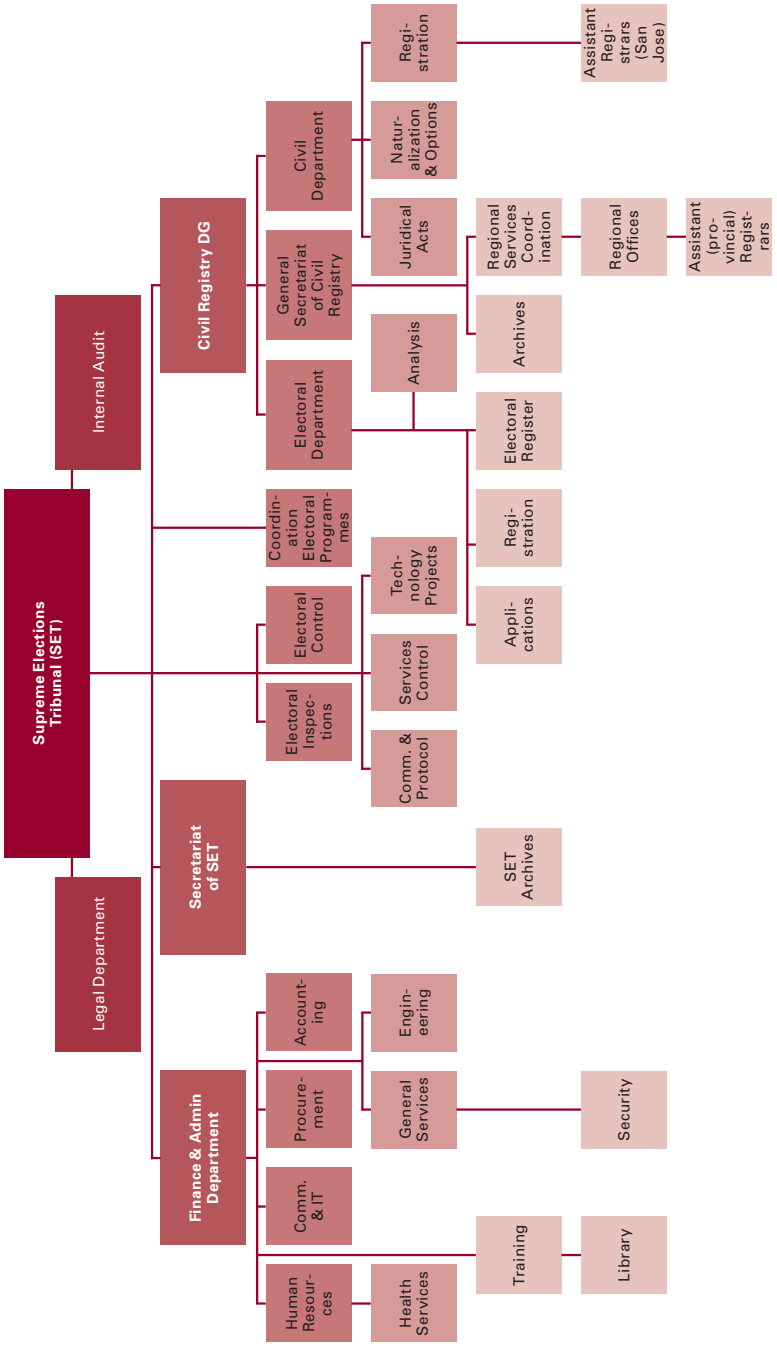
Source: New Zealand Chief Electoral Office Business Plan 1 January 2003 – 30 June 2006 (<http://www.elections.govt.nz/uploads/chief_electoral_office_business_plan_2003-2006.pdf>).

Figure 6: Organizational Structure of the Electoral Commission of Papua New Guinea



Source: Website of the Electoral Commission of Papua New Guinea (<http://www.pngec.gov.pg>).

Figure 7: Organizational Structure of Election Management in Costa Rica



Source: Translated from original in Spanish as published on the web site of the Supreme Tribunal for Elections (Tribunal Supremo de Elecciones) of Costa Rica (<http://www.tse.go.cr/orgaz.html>).

Strategic Planning

243. Developing a strategic plan is the basic step in focusing the efforts of an EMB on achieving a set of agreed objectives based on its legally defined responsibilities. The strategic plan is the management tool from which fundamental decisions on EMB activity flow – operational planning and prioritizing, resource allocation and service standards. The strategic plan provides the EMB with a blueprint for service and for organizational strengthening, integration and improvement. It assists the EMB to operate in and understand its changing environment.

244. The strategic plan is also a public document that stands as a record of what the EMB stands for, what it does and why, and what it intends to achieve. As well as being a road map that guides and motivates the EMB for a defined period of years, it serves an important role as a marker against which stakeholders can measure the EMB's performance.

> An EMB without a strategic plan is like a pilot without a compass.

245. An effective EMB strategic plan sets out a vision of the EMB as an open, democratic and accountable institution. It is consistent with the EMB's mandate and implemented within the framework of the constitution and the electoral law. It takes account of all known factors which could affect the EMB's performance, such as the regulatory environment, technology, the likelihood of conflict, stakeholder participation or voter apathy, and EMB–government relations.

246. It would be unusual for an EMB's strategic plan to cover more than one national election cycle, as post-electoral event reviews may result in significant changes to the electoral administration environment. A strategic plan is not a document set in concrete: it is a practical strategic guide for the EMB, and must obviously change if significant changes in the external or internal environment require a revised strategy.

247. Basic elements of the plan, which would be elaborated to a greater or lesser extent in the planning document, are:

a. vision – what the EMB aspires to be;
b. purpose, objective or mission – the fundamental focus of the EMB;
c. values – the ethical concepts on which the EMB's activities are based, such as impartiality, accountability, independence, professionalism, effectiveness, equity and service-mindedness;
d. outcomes and focus areas – what the EMB is aiming to achieve;
e. key results – the effects that the EMB wants to have on its environment;
f. indicators – measurable targets that assist in determining how well the EMB has achieved its intended results;
g. EMB data – the establishment, structure and composition of the EMB; and

h. performance management strategy (PMS) – how the EMB will promote the improvement of individual, team and organizational performance in a holistic, systematic and sustainable way.

Figure 8 is an example of a succinct summary strategic plan, developed by the Australian EMB.

248. An analysis by the EMB of its strengths, weaknesses, opportunities and threats (SWOT) may be an important tool in facilitating the development of a strategic plan. Identifying the contextual elements on which the intended outcomes of the strategic plan are based is necessary if valid judgments of achievements are to be possible. The assumed context could include specific levels of stakeholders' participation, adequate infrastructure to support the strategic plan, or qualified and experienced staff being recruited and retained. Each country is likely to have some country-specific context, such as the EMB's efforts to deal with the effects of HIV/AIDS on its employees.

249. It is important that the EMB consults with its stakeholders in the development, monitoring and review of its strategic plan. This promotes stakeholders' awareness and appreciation of the EMB's challenges and strengths, and may boost their confidence in the electoral process in general. It also promotes the EMB's awareness of the expectations and priorities of its stakeholders.

Operational Planning

250. The operational concept provides the framework for operational planning under the strategic plan. It is important that the operational concept is integrated with the electoral cycle and that operational planning is linked with each phase of the cycle. The operational concept takes account of the establishment or otherwise of a proper legal framework, and the nature and scope of the electoral processes. It needs to acknowledge any constraints on the EMB's planning, and be realistic in its assumptions with respect to issues such as security and stability, and any unforeseen circumstances that could affect electoral management and the preparation and conduct of elections. The importance of full participation of stakeholders is an issue to be stressed in the operational concept.

251. For the purposes of detailed planning and effective administration, the operational concept may divide an electoral process into several phases, for example, the establishment of the legal and administrative framework; the preparations for voter registration; the conduct of voter registration; preparations for polling and counting; candidate registration; the political campaign; the polling; the counting and announcement of results; and post-election activities. Each operational activity needs to be targeted at the objectives stated in the strategic plan.

252. Operational planning is most effective when the staff implementing the activities are involved in their planning. Operational plans may set yearly or longer-term operational targets and be broken down into half-yearly, quarterly, monthly and weekly segments, taking into account the availability of resources and the legal and operational deadlines for effective

electoral service delivery. Operational plans for each EMB activity need to be split into divisional workloads, and may be harmonized through a committee of senior secretariat staff, possibly with EMB member involvement. The EMB membership's formal approval of operational plans emphasizes their significance. Divisional plans need to be broken down to work unit and individual level, to reinforce the importance of each EMB member of staff in meeting EMB objectives and performance targets, and to provide a monitoring mechanism for staff and work unit performance.

Figure 8: Summary of the Australian Electoral Commission (AEC) Corporate Plan, 2006–2007

Our Purpose

Our purpose is to help people have their say in who will represent them in the Parliament of Australia. We do this by providing impartial and accessible electoral services.

Our Aim

Our aim is to be recognised as an organisation that provides excellence in the management and delivery of electoral services.

Our Values

Our values reflect the behaviours that the Australian people expect of us. That is, we:

- conduct our business with *fairness* and *impartiality;*
- maintain high standards of *integrity and ethical behaviour;*
- respect and *uphold the law;*
- are *open, transparent* and *accountable* for what we do;
- *respect and listen* to our clients and stakeholders and each other; and
- *serve* the Australian people and the Federal Parliament.

Our Environment

Being aware of and responding to changes in the external environment and in stakeholder expectations will impact on the AEC's ability to deliver quality electoral services in the future. Key environmental issues include:

- the changing and different needs and expecttions of AEC clients and stakeholders about the electoral services we deliver;
- the unique challenge presented by the AEC's dispersed geographical strcuture of national, state and divisional offices in the way we deploy resources and deliver our services;
- an increasing focus on the delivery of programs and services through partnerships with other providers and whole of government initatives;
- a demand for electoral assistance and support for developing democracies overseas;
- the rapid change in information technology and the opportunity this can provide to improve electoral products and services;
- changes to legislation; and
- the Government's expectation that all agencies will realise efficiencies through the introduction of smarter business practices.

Our Outcomes

The AEC is funded to deliver three specific outcomes:

1. *An effective electoral roll*
   Australians have an electoral roll that ensures their voter entitlement and provides the basis for planning of electoral events and electoral redistributions;
2. *An impartial and independent electoral system*
   Stakeholders and clients have access to, and advice on, impartial and independent electoral services and participate in electoral events; and
3. *An informed community*
   An Australian community which is well informed about electoral matters.

Our Business

To deliver these outcomes the AEC has seven core business functions. These are to:

- conduct elections;
- manage the electoral roll, which is used by all levels of government;
- educate and inform the community about electoral responsibilities;
- provide research, advice and assistance on electoral matters;
- provide assistance in overseas elections and referendums;
- administer election funding, financial disclosure and party registration requirements; and
- undertake electoral redistributions.

Key Result Areas

In all our business activities we will improve our services and build our capability in the four Key Result Areas of:

- interactions with our clients and stakeholders and understanding and responding to their needs;
- delivery of our services and products;
- supporting our people; and
- accountable management of finances, risk and corporate information.

Measuring our Performance

We will measure our performance against the AEC's outcomes using the performance indicators identified in the Finance and Administration Portfolio Budget Statement and other indicators set out in our business plans.

Some key indicators include:

- accuracy and completeness of the electoral roll;
- extent to which clients and stakeholders have access to impartial and independent electoral advice and services; and
- client and stakeholder satisfaction with our services and products.

Source: Summarized from Australian Electoral Commission, 'Corporate Plan 2006–2007' (< http://www.aec.gov.au/_content/what/publications/aec_corp_plan060630.pdf>).

The Electoral Calendar

253. The primary purpose of an electoral calendar is to assist an EMB to keep its planning and preparation on schedule in order to meet its statutory or administrative deadlines. The calendar will also convey information to the public, the political parties and the media about the dates for the beginning and completion of key activities, thus enhancing transparency and creating a positive public relations image for an EMB.

254. Electoral calendars convey the range and sequence of the EMB's activities. An EMB may produce calendars with different levels of detail for internal use and for different stakeholders. Internal administration deadlines, for example, the date for receiving election forms from printers, all need to be shown on the EMB's calendar for internal use. A stakeholder such as a political party, however, may need a calendar showing only details of key dates for issues in which it has an interest – such as voter and candidate registration, campaigns and campaign funding, voting, vote counting, and determination of the results.

255. A simple, one-page summary calendar, such as those shown at figures 9 and 10, can enhance media and public understanding of electoral processes, whereas publicly distributing a highly detailed multi-page document may be confusing. However, in the absence of security concerns, there is no reason why the EMB could not allow stakeholders, such as political parties, candidates, election staff, non-governmental organizations (NGOs) and donor agencies, access to copies of the internal administrative calendar, if requested.

256. Project management software can enable an EMB to develop comprehensive election calendars with clear milestones, time frames, individual staff responsibilities, and interdependences of activities. The calendar then becomes a sophisticated electoral operations plan. This type of calendar can be shared among staff as the basis for managing their progress and completion of tasks, and with stakeholders for information.

257. An electoral calendar is especially useful in aiding timely procurement of voter registration and polling supplies and materials. It is also a useful guide to political parties in countries, such as Kenya and Nigeria, where political party primaries have to be undertaken before the nomination of candidates for election, and where such political party events do have a bearing on the election timetable.

258. Thorough review of the electoral calendar after each election or other electoral event will assist in identifying inappropriate time allocations for tasks. This review may identify where changes to organizational structure or resource allocations, or the legislative or regulatory frameworks, would improve electoral operations.

Figure 9: The Elections Calendar for the 2006 Presidential and Parliamentary Elections of the Democratic Republic of the Congo

#	From	To	Days*	Activity	Reference
1	9 Mar.		1	Promulgation of elections law (call for elections)	
2	9 Mar.		1	Publication of procedures and the decision for opening nomination centres	CEI
3	10 Mar.	18 July	141	Civic education campaign	CEI
				Nomination of candidates	
4	**10 Mar.**	**23 Mar.**	14	Registration of nominations for presidential and parliamentary elections at CEI	Art 104, 121 E.L.
5	24 Mar.	26 Mar.	3	Review of nominations for presidential elections and notification of decisions by CEI	Art 25, 106 E.L.
6	24 Mar.	30 Mar.	7	Review of nominations for parliamentary elections and notification of decisions by CEI	Art 25, 106 E.L.
7	27 Mar.	28 Mar.	2	Submission of appeals to the Supreme Court on CEI decisions on nominations for presidential elections	Art 25, 107 E.L.
8	27 Mar.	1 Apr.	6	Submission of appeals to the Supreme Court on CEI decisions on nominations for parliamentary elections	Art 25, 107 E.L.
9	29 Mar.	4 Apr.	7	Ruling by Supreme Court on appeals for presidential elections	Art 25, 107 E.L.
10	2 Apr.	8 Apr.	7	Ruling by Supreme Court on appeals for parliamentary elections	Art 25, 107 E.L.
11	**5 Apr.**		1	Publication of final presidential candidates list	Art 27, 108 E.L.
12	**9 Apr.**		1	Publication of final parliamentary candidates lists	Art 27, 108 E.L.
13	10 Apr.	30 Apr.	21	Registration of nominations for provincial elections at CEI offices	CEI
14	1 May	17 May	17	Review of nominations and appeals process on nominations for provincial elections	Art 27 E.L.
				Election campaign	
15	18 May	16 June	30	Election campaign for first round of presidential elections and for parliamentary elections	Art 28, 110, 125 E.L.

#	From	To	Days*	Activity	Reference
				Preparatory tasks for the conduct of voting operations	
16	10 Apr.	16 June	68	Recruitment, training and deployment of polling station staff	CEI
17	9 Apr.	18 May	40	Production, printing, assembly and delivery of ballot papers	CEI
18	13 May	17 June	36	Distribution of polling material to polling stations, including ballot papers and electoral registers	CEI
				Accreditation of party representatives and observers	
19	Deadline: 11 June			Submission of lists of party representatives to the CEI	Art 37, 39 E.L.
20	Deadline: 16 June		5	Accreditation of party representatives by the CEI	Art 39 E.L.
21	Deadline: 3 June			Submission of observation applications to the CEI	Art 43 E.L.
22	Deadline: 10 June		7	Accreditation of observers by the CEI (within 7 days after the application)	Art 43 E.L.
				Voting, counting the votes and announcement of results	
23	18 June			Polling day for the first round of presidential elections and for the parliamentary elections	CEI
24	19 June	3 July	14	Provisional results of the first round of presidential elections	Art 71 E.L.
25	4 July	13-jul	10	Adjudication on appeals on results by the Supreme Court	Art 73, 74 E.L.
26	14 July			Announcement of final results of the first round for presidential elections	Art 75 E.L.
27	**19 June**	**18 July**		Provisional results for parliamentary elections**	Art 71 E.L.

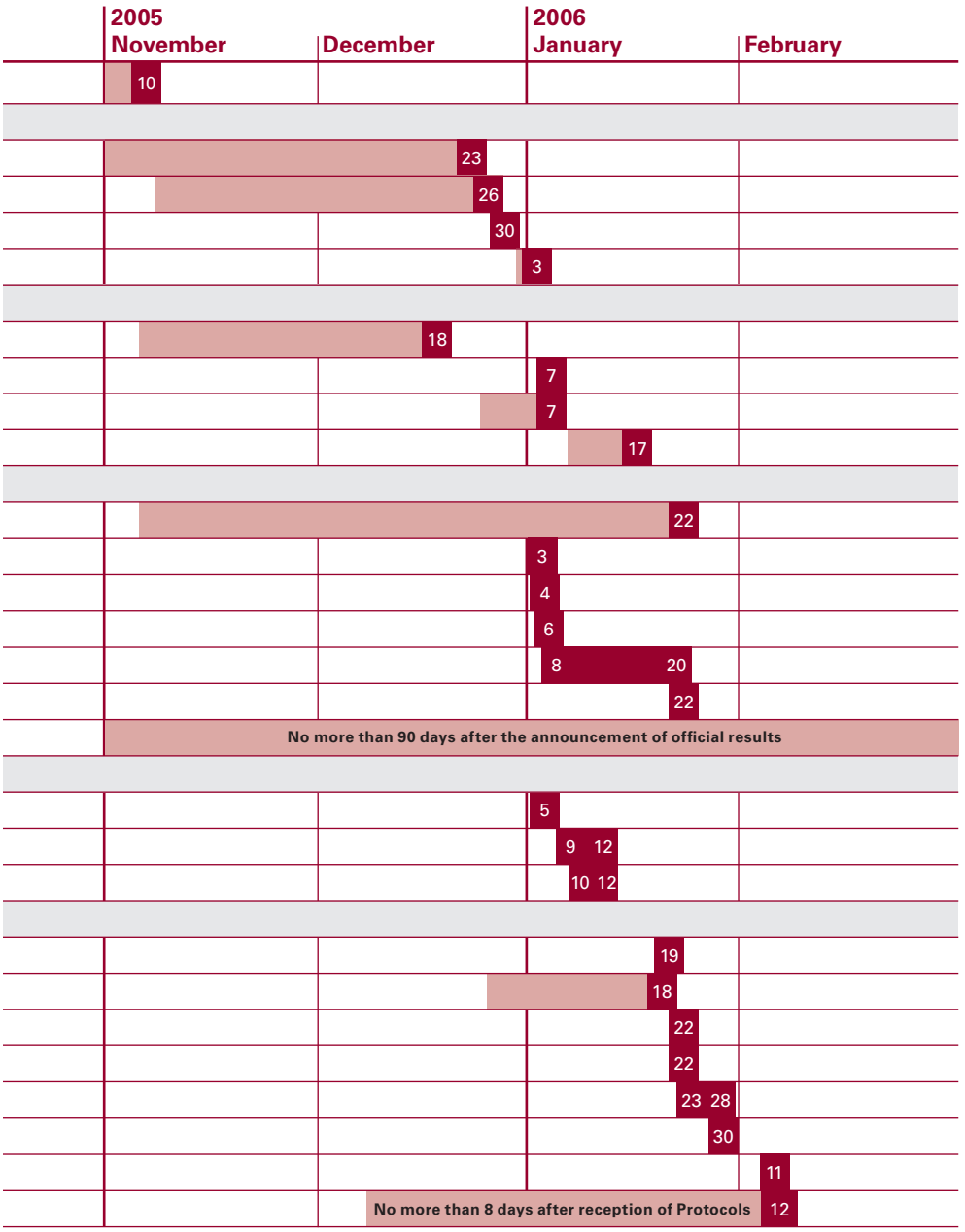
Notes: E.L. = Electoral Law. CEI = Commission Electoral Indépendent (Independent Electoral Commission).
* Number of days is inclusive of starting and ending dates.
** No further details have been provided by source.

Source: Translated from original in French, as provided by the Independent Electoral Commission (Commission Electorale Indépendant) of the Democratic Republic of the Congo – DRC (<http://www.cei-rdc.cd>).

Figure 10: Presidential Elections Calendar, Portugal 2006

	Ref. Law*
Date of Elections announced by President	Art 11
Nomination of Candidates	
Submission of nominations to the TC & announcement of initial candidates lists	Art 14
Relevant section of TC reviews candidatures and eligibility of candidates	art 93 law 28/82
Appeals to the Plenary of TC on acceptance/rejection of candidatures	art 94 law 28/82
Final decision by TC	art 94 law 28/82
Establishment of Polling Stations, Presentation of Representatives and Appointment of Polling Station Staff	
Mayors establish the distribution of polling stations and communicate it to the provincial boards	Art 31
Announcement of the day, time and place for the constitution of polling station committees	Art 34
Appointment of polling station staff	Art 38
Issue of accreditations for polling station staff, to be sent to GC/MR and provincial boards	Art 38
Electoral Campaign	
Period of prohibition of campaign activities, whether direct or indirect, through commercial media	Art 63
Communication by public and private radio and TV of the times allocated to electoral campaign	Art 52
Provincial boards establish and announce the locations for the display of official notices	Art 56
CNE distributes broadcasting times for electoral campaign among the candidates/lists	Art 53
Electoral campaign period	Art 44
Last publication of public opinion polls results	Art 10 law 10/2000
Presentation of Electoral campaign accounts and financial reports	Art 27 law 19/2003
Early Voting: Military, Security Forces, Prisoners, Hospitalized, etc	
The president of CM sends the necessary documentation for early voting to electors	Art 70
Collection of early votes at hospitals and prisons, at a date and time previously announced	Art 70
Early voting by voters registered inside the country and residing outside the country	Art 70
Polling, Counting and Results	
The presidents of CM hand electoral material to the presidents of AV/SV	Arts 42 & 43
Deadline for withdrawal of candidatures	Art 29
Polling Day(s) - from 08:00 to 19:00 hours.	Arts 12, 23, 32 & 80
Counting of votes	Arts 90 to 95
Counting at districts and regions, and announcement and publication of results.	Arts 97 & 102
General Counting (Constitutional Court), announcement and publication of results	Arts 105 & 109
Preparation of results tables by the CNE and its publication in the official gazette	Art 111
Second round of voting	Arts 11 & 12

* Decree-Law 319-A/76 of 3 May and complementary Legislation
AV/SV: Polling Station Committee – GC/MR: Civil Governor/National Minister –
CM: Municipal Council – CNE: National Elections Commission –
TC: Constitutional Court



Source: Extracted and translated from original in Portuguese as published on the website of the Technical Secretariat for Electoral Processes Matters (Secretariado Tecnico dos Assuntos Para o Processo Eleitoral – STAPE) of Portugal (<http://www.stape.pt/data2005/PR2006_quadro_crono.pdf>).

CHAPTER SUMMARY

- EMBs may have more effective control over electoral activities if they are empowered to directly hire and fire, and set conditions of service, for the EMB secretariats that implement EMB policies. However, in many cases, EMB secretariats are drawn from public service staff and subject, to a greater or lesser degree, to common public service rules that may limit both the EMB's human resource flexibility and its ability to develop continuity in the professional electoral service.

- Each EMB needs to develop an organizational structure that facilitates cost-effective achievement of its strategic objectives by designating the necessary numbers of skilled staff at appropriate locations and levels of seniority, who are subject to effective lines of accountability.

- An EMB's strategic plan is the basis for all EMB activities, defining for a fixed period the EMB's vision, purpose, values, target outcomes, result outputs and performance indicators. Stakeholder involvement in the development, monitoring and review of an EMB's strategic plans focuses planning on service, and can boost confidence in the EMB.

- An EMB also needs operational work plans, based on the strategic plan, which detail individual work processes and their integration, deadlines and responsibilities for work. These are usefully developed into a detailed electoral calendar, a simplified version of which is an important information and transparency-enhancing tool for public distribution.

CASE STUDY: Yemen

Yemen: An Emerging Independent EMB

Ayman Ayoub

The Republic of Yemen emerged as a result of the unification, on 22 May 1990, of the Arab Republic of Yemen in the north and the Socialist Republic of Yemen in the south. After the new constitution was approved in a referendum held in May 1991, parliamentary elections were held in 1993, 1997 and 2003. The first presidential election took place on 23 September 1999. In addition, a referendum on a number of constitutional amendments and the first local elections were held simultaneously on 28 February 2001. In August 1992 the first Supreme Elections Commission (SEC) of 17 members was appointed by the Presidency Council of the Republic. A seven-member SEC replaced it in July 1993, and a fresh SEC, with a new board of seven members, was appointed by the president in November 1997, based on a list proposed by Parliament. This same system was used for the appointment, in December 2001, of the current permanent Supreme Commission for Elections and Referendum (SCER).

The Legislative Framework

The constitution provides details of the main conditions for voting or standing for election. The electoral legal framework is mainly based on the Election Law, no. 13 of November 2001. It replaces Law no. 27 of 1996 which, in turn, replaced the first election law of the unified country, of 1992. The new law deals extensively with the establishment, responsibilities and operations of the SCER, as well as its independence and its financial and administrative autonomy. By-laws based on drafts proposed by the SCER, and a number of secondary legislative instruments approved by the SCER itself, complete the legal framework.

Institutional Structure

As the exclusive electoral authority, the SCER exercises full responsibility for the conduct of all elections. Its board includes a chairman and a deputy elected by the commission. Commissioners are appointed by the president of the republic from a list of 15 candidates proposed by a two-thirds majority of Parliament, for a six-year term. A secretary general, who is the chief electoral officer (CEO), is also appointed by the president from a list of three candidates proposed by the SCER. The commission appoints supervisory committees for the 20 governorates, main

committees for the 301 parliamentary constituencies, and basic committees for the 326 local electoral districts. Ad hoc committees are formed to manage voter registration, voting and vote-counting. The electoral administration is headed by the CEO and comprises the National Elections Office and a branch office for each governorate.

The Powers and Responsibilities of the SCER

The SCER is in charge of organizing, administering and supervising all elections. Its responsibilities include:

- issuing regulations and procedures for the organization and conduct of elections, including regulations on access to the media;
- determining parliamentary constituency boundaries and dividing them into polling centres, based on principles of demographic equity and other geographic and social considerations;
- organizing and conducting all electoral operations, including nomination, voting, counting and the announcement of results;
- calling by-elections whenever and wherever required, as well as fully or partially annulling election results as the case may require;
- registering political parties and independent candidates' logos; and
- proposing amendments to the electoral law, and issuing secondary electoral legislation.

Financing

The SCER prepares its own annual budget, which is included in the government budget as one item. It is fully responsible for the management of its funds, through independent accounts. It also prepares specific budgets for each election, which are fully funded through governmental resources. The timely disbursement and flow of sufficient funds for electoral operations have generally been a distinctive aspect of elections in Yemen. Nevertheless, increased commitments and donors' support are still needed to acquire and apply new technology in elections, and to implement capacity-building and public awareness programmes.

Accountability

The law does not establish specific accountability requirements for the SCER. Its selection and appointment mechanism means that the SCER reports to both the executive and the legislative branches. Despite the incipient control that is occasionally exercised by relevant committees of the Parliament, specific regulations would be necessary to introduce mechanisms of systematic oversight by the Parliament.

The Professionalism of Electoral Officers

Although Yemen's electoral history is only short, the SCER benefits from the accumulated and relatively good experience of a reduced core staff team that manages key components of the

electoral process at the central level. However, the larger group of electoral officials at both the central and other levels still lacks consolidated skills: this could be the next area of attention for future efforts to strengthen professional capacity. At the decentralized levels, the SCER has not yet succeeded in building a core team of permanent and skilled staff. For the implementation of field electoral operations the SCER relies on temporary staff, usually teachers, who are civil servants. With donor support, human resources development and capacity-building programmes are constantly on the SCER agenda.

Relations with Political Parties, Other Institutions and Stakeholders, and the Media

For the 2003 parliamentary elections the SCER made efforts to make its work, and the electoral process in general, more transparent. Consultations were held with stakeholders to develop and apply a Political Parties' Code of Conduct. However, opposition parties continued to criticize lack of communication by the SCER and the too-close relationship with the governing party, which compromises its independence.

Despite constant demands, meetings of the SCER are not public. Representatives of stakeholders are, however, occasionally invited to attend special meetings, usually to discuss designated matters.

The SCER has managed to build a promising relationship with NGOs through the implementation of coordinated or joint public awareness initiatives, but this has not yet changed the mixed feelings of NGOs about the quality of such relations. Good relations with the executive branch and the legislature are increasingly being complemented by enhanced cooperation with donors who support the democratic process in Yemen.

The state media are put under the control of the SCER during elections, as part of its regulatory responsibilities regarding the use of the media during the electoral campaign. The privately-owned media in Yemen are weak and confined to the print media (which are also required to observe the relevant SCER rules). The SCER's ability to effectively guarantee free and equal access to the media to all stakeholders needs to be further strengthened. Measures are needed to moderate the traditional tendency to release information slowly, selectively and late.

Electoral Reform Management

The SCER has become a key actor in initiating and managing electoral reform. A new long-term UN-led Electoral Support Project, with input by other international agencies and donors, envisages specific assistance to the SCER to review the electoral arrangements and to handle the necessary electoral reform. The introduction of an inclusive, consultative approach is a key element of this support project.

The financial sustainability of the electoral process and of the SCER as a permanent body can be guaranteed through local resources. Nevertheless, elections need to be gradually made more cost-effective, mainly through more stable decentralized structures that help rationalize expenditure. The support of donors is needed, mainly for capacity building and the application of new technologies. Alongside the decentralization and modernization process, periodic assessments would enable continuing confirmation of the sustainability of the process.

Yemen is progressing towards the consolidation of responsive institutions and democratic practice. The SCER can play an important role in stabilizing the sometimes convulsive political environment in the country. Its main strength lies in its demonstrated capacity to deliver credible elections the results of which are accepted by stakeholders. Its main constraints are the weak professional skills of its middle management staff, its incomplete decentralized structure, and the need for electoral reform to enhance the electoral arrangements and practice. Bold efforts by donors to strengthen and consolidate the capabilities of the SCER, and a more genuine interest on the part of Yemeni officials to benefit from donor support, are positive signs that such constraints will be remedied.

CASE STUDY: Mozambique

Mozambique: A Need for Depoliticization

Margot Gould and Johan Lindroth

Mozambique, a former Portuguese colony, achieved independence in 1975. The liberation struggle in Mozambique was led by the Mozambique Liberation Front (Frente de Libertaçâo de Moçambique, Frelimo), which seized power in the post-colonial period and instituted a socialist one-party state with a planned economy. In 1976 an external rebel army known as the Mozambican National Resistance (Resistencia Nacional Moçambicana, Renamo) began a military offensive against the Frelimo government. The ensuing 16-year civil war devastated the country. In 1992, after protracted negotiations, peace was declared and the General Peace Agreement was signed. Central to the peace accord was the agreement to hold multiparty elections by 1993.

Following the declaration of peace, Renamo transformed itself into a political party and several other political parties were also established. In 1994, with stability in the country maintained by a massive United Nations peacekeeping presence and one year behind schedule, Mozambique held its first multiparty presidential and general elections. Between 1994 and 2005, four elections took place – two local government elections, in 1998 and 2003, and two presidential and general elections, in 1999 and 2004.

The Legislative Framework of Election Administration

The legal framework governing elections in Mozambique is provided by (a) the 2004 constitution (as approved by the Parliament on 16 November 2004) which lays down the basis for the electoral system and the structure for managing elections, and (b) the various electoral laws which cover the general provisions and principles for the conduct and management of elections, which include Law no. 18/2002 on voter registration for elections and referendums, Law no. 19/2002 on local government elections, Law no. 20/2002 on the establishment of the independent National Election Commission (Comissão Nacional de Eleições, CNE), and Law no. 7/2004 on presidential and parliamentary elections.

The constitution provides for a presidential system headed by a directly elected president, and a national Parliament consisting of 250 deputies elected by proportional representation (PR). The constitution further states that the elections are to be managed by the National Election Commission. The constitution also makes provision for a Constitutional Council, consisting of six members appointed by the Parliament and a chair appointed by the president of

the republic. The role of the Constitutional Council during the electoral process is to decide on the eligibility of presidential candidates, make final decisions on electoral disputes and appeals, and validate the results of all national and local government elections.

Institutional Structure

Mozambique has a two-tier election management structure, with the CNE serving as a supervisory body consisting mainly of political party representatives, and a subordinate Technical Secretariat for Administration of Elections (Secretariado Técnico da Administração Eleitoral, STAE) responsible for the implementation of elections and made up of professional election administrators.

The CNE, which has operated on a permanent basis only since 2003, consists of 19 members, including a chairperson and two vice-chairpersons. The chair is elected by the CNE on the basis of a nomination made by agreement among civil society organizations, and appointed by the president of the republic. The other members are appointed by the political parties with seats in the National Assembly in proportion to the number of seats they hold. In addition, the government appoints one member of Parliament who has the right to participate in open sessions and meetings, but may not vote. The term of office of CNE members is five years.

The CNE is assisted by provincial and district electoral commissions which operate as subsidiary bodies. Unlike the CNE, these are temporary commissions that are set up only for the duration of each electoral process. The provincial electoral commissions are set up in each of the ten provinces and in the capital, Maputo. They have nine members who are appointed in the same way as the members of CNE, including one chair and two vice-chairs. The district electoral commissions are identical to the provincial commissions in both number and composition.

The CNE's implementing arm is the permanent technical body, the STAE. It is an administrative body that works under the supervision of the CNE, and is responsible for all activities related to the electoral process. The STAE is established at national, provincial and district levels. However, only the national and provincial STAEs are permanent institutions: the district-level STAEs are established only during election periods.

The STAE is headed by a director general who is selected in a competitive process by the CNE and appointed by the Council of Ministers. During an election period, two deputy directors are appointed by the political parties represented in Parliament – in effect one representing the ruling party, Frelimo, and one representing the opposition, Renamo. This is duplicated at provincial and district levels. The STAE director general and the national deputy directors are non-voting permanent members of the CNE. During election periods, in addition to the two deputy directors, the political parties with seats in the Parliament, in proportion to their parliamentary representation, appoint nine representatives to the various departments of the national STAE, five representatives to each provincial STAE, and three representatives to each district STAE.

Powers and Functions

The two election management bodies have distinct powers and functions in the electoral process. Although Law no. 20/2002 stipulates that the CNE is responsible for the management and supervision of electoral events, referendums and national registration, in practice it acts as a supervisory body, with the STAE functioning as its subordinate implementing arm.

The CNE has three main roles – an ethical role, a legal role and a technical role. Its ethical function is to guarantee free, just and transparent elections and referendums. However, despite this mandate, in practice it is a highly politicized body whose political party appointees represent the interests of their own parties.

The CNE's legal function focuses on its role in the arbitration of electoral violations, complaints and appeals. In addition it has the power to issue procedural and administrative regulations regarding observers, the media and the distribution of state funding to political parties.

Its technical tasks during election periods include the supervision of voter registration and civic education, the approval of codes of conduct, guaranteeing the security of the vote, the provision of financial aid to political parties, and the tallying of election results at the provincial and national levels.

The STAE is responsible for implementing all tasks concerning the organization of elections and referendums. This includes conducting civic education; implementing voter registration; recruiting and training voter registration, polling and counting staff; and conducting the polling and counting.

Financing

The administration of elections is funded by the government. This includes the joint activities of the CNE and the STAE, in two separate budgets: one covers the running expenses for sustaining the permanent bureaucracy of the two institutions, and the second covers costs incurred during elections.

Mozambique is heavily reliant on international donor funds to cover election-related expenses, and generally more than 60 per cent of the elections' budget is funded by donor contributions.

Accountability

The EMBs have two separate accountability procedures, one for the activities and costs related to maintaining the permanent bureaucracy of the two electoral institutions, and the second for activities and costs incurred during elections.

Each year the CNE and the STAE are required to submit an annual plan and budget for their administrative costs to the government (through the Ministry of Finance) for approval. The disbursement of these funds is done on a quarterly basis, and must be preceded by a full and approved accounting of expenditure for the previous quarter, which is submitted to the Ministry of Finance.

The election budget is prepared by the CNE and the STAE and submitted (by the CNE) to the government (through the Ministry of Finance) for approval. At the end of each election the CNE and the STAE are required to submit a report on their activities and an audited statement of their revenue and expenditure to the government through the Ministry of Finance. Because of the high level of donor funding for elections, this report is also sent to the donors.

Relations with the Political Parties, the Media and Other Institutions

Relations with political parties differ greatly. The ruling party, Frelimo, because of its dominance within the election structure, generally has good relations with the EMBs. In contrast the opposition, Renamo, views both the CNE and the STAE with suspicion as being biased towards the ruling party, despite its having representation on the CNE and the STAE and the provision for political parties to monitor all aspects of the electoral process within the STAE. The political parties which do not have representation within the electoral administration structure are inclined to feel that their interests are subordinated to those of the two dominant parties.

The CNE's relationship with the media has been fairly good, especially with the publicly owned radio, Radio Mozambique – the only medium that covers the whole country, and the principal source of information in rural areas.

Both national and international observers are authorized to monitor the electoral process, and the CNE issues the regulations regarding observation and observer accreditations. While the relationship between the CNE and observers is generally good, some believe that the CNE retains a certain reluctance to fully embrace the principle of transparency in all aspects of the electoral process.

Electoral Reform Management

It should be noted that Mozambique has reviewed its electoral laws either wholly or in part prior to each election held since 1994. However, the election administration has little or no input to the process, which is managed entirely by an ad hoc parliamentary committee consisting of representatives of the ruling party and the opposition.

Sustainability

The most significant threat to the sustainability of electoral management in Mozambique is the enormous cost of the electoral administration structure. With electoral commissions constituted at national, provincial and district levels, the number of commissioners in the country is over 1,600 for general elections. The political party appointees within the STAE also add a layer of additional political party supervision, which carries substantial extra expense.

Opportunities and Constraints

The major constraint on the functioning of an independent and impartial electoral administration in Mozambique is the politicization of the electoral administration. The political party representation in the election commissions and the political appointees within the STAE are intended to increase the opposition's trust in the electoral process but, as political representation is based on shares of parliamentary seats, the ruling party, Frelimo, still dominates by virtue of its majority in the Parliament. While party-based EMB membership can have the advantage that each party polices the actions of all the others, the Mozambique experience shows its limitations when one party retains a majority over a substantial period of time.

The political party representation within the electoral commissions at all levels has meant in practice that commissioners are often more inclined to act in the interest of their party than as impartial upholders of the electoral law. The impact of this politicization on the electoral process has been to sacrifice the principle of impartiality in favour of short-term political goals. In addition, as the CNE is only composed of members of political parties that have representation in the national Parliament, the two main parties dominate the decision-making process to the detriment of emerging parties.

The CNE has only been a permanent body since 2003, and inherited a legacy of lack of technical competence and professionalism which was perhaps inevitable given its previous temporary nature. A similar problem still exists with the commissions at provincial and district level. Training for electoral commissioners has been identified as an important factor in future improvement of the effective and efficient administration of elections.

Chapter 6

Chapter 6

The Development of Professional Electoral Management

What Is a Professional Electoral Administrator?

259. Compliance with the legislative framework, including electoral regulations, procedures and manuals, is a prerequisite for the achievement of professionalism by an EMB. The term 'professional electoral administrator' implies a person with a range of skills beyond those associated with technical or management qualifications in other specific fields. In addition to these, a professional electoral administrator needs:

a. an understanding of strategies for strengthening democratic development;
b. a commitment to the principles that are the foundation of electoral good practice; and
c. a strong commitment to high-quality electoral service to all stakeholders.

260. Specialist professional credentials and relevant management and technical experience assist EMB members and staff in becoming professional electoral administrators. As well as these skills, professional electoral administrators are committed to the principles of electoral good practice, which include:

a. *integrity,* meaning the ability to act in a non-partisan and independent manner by not acting to benefit political interests and/or corruptly, and by ensuring that the electoral law, rules and codes of conduct are followed;
b. *impartiality,* meaning the ability to be fair and to afford stakeholders equitable and honest treatment or a level playing field, and the ability to treat all stakeholders in an even-handed, non-partisan manner;
c. *independence,* meaning the ability to carry out the work without influence from or being under the control of an external force, such as the government or the ruling party;
d. *transparency,* referring to the ability of the EMB to be open and truthful, and to the availability to stakeholders of timely information and access to EMB records;
e. *efficiency,* meaning that optimal use is made of resources of all kinds, that electoral funds are used wisely, and that activities are designed and conducted in a sustainable and cost-effective manner;

f. *service-mindedness,* ensuring that all activity is aimed towards the delivery of high-quality services to all stakeholders, and in particular voters; and
g. *professionalism,* meaning the meticulous and accurate implementation of electoral procedures as a key element for the delivery of credible elections. EMBs need to ensure that all election officials, whether core staff or temporary workers, are well trained and acquainted with the necessary skills to apply high professional standards in the implementation of their technical work. Professional training prompts public trust that the entire process is 'in good hands'.

Together, these are the qualities of a professional electoral service.

261. No matter how great their commitment to their work, the bulk of members appointed to EMBs are not experienced in the full range of responsibilities associated with leading and managing electoral processes. Professional development for EMB members is as essential for attaining and maintaining high-quality EMB performance as is the development of EMB secretariat staff.

As the chief electoral officer of Ghana has observed, people in the community do not know how the election administration works, and are just as likely to seek information from EMB secretaries, drivers or security staff whom they know as they are from operational staff. The EMB therefore ensures in its training that all staff have a basic understanding of the mission and principles of the EMB.

262. An EMB's capacity to perform all its electoral functions and responsibilities effectively depends very much on the capacities and performance of its secretariat staff. The capacities of EMB secretariat staff can be enhanced by implementing appropriate recruitment strategies and vigorous training and development programmes for temporary and permanent staff. Most of the issues faced will be similar for all three models of electoral management, Independent, Governmental and Mixed, although they may manifest themselves in different ways.

263. Public concerns about the professionalism of an EMB can lead to calls for institutional reform (see the case studies on Senegal and Zimbabwe). However, EMBs with a strong set of values can deliver elections whose results are accepted by stakeholders even though they are still in the process of developing professional staff, as, for example, in Yemen (see the case study).

Use of Public Service Staff for EMB Secretariats

264. Many EMBs rely on public service staffing for their secretariats. This may be required in governmental EMBs and in other models where this is government policy. Independent EMBs which have their own employment rules may find it difficult to offer their staff good

career prospects, due to the small number and specialized nature of many of the secretariat positions, and thus may find it more effective to rely on public service staff. Such reliance on the public service does not by itself inhibit the development of professionalism. An example is the Election Commission of India, which co-opts large numbers of public servants to assist with election preparation, and runs a professional electoral management system. Allowing an EMB to set its own rules for its secretariat staff who are public servants is beneficial. These rules could prohibit transfers from the EMB at specified periods, and could also provide conditions of service appropriate to the high-pressure environment of electoral events.

265. In any case, EMBs will at some point have to deal with the mobility of any public service staff assigned to the EMB. Staff who have gained electoral experience move on to other government positions, leaving a skill and experience gap. For those public service staff in governmental EMBs under the Governmental and Mixed Models who remain available for electoral tasks, there is a long period between elections when they do work which can be of a completely different nature. Regular development measures such as refresher courses, and the archiving of electoral materials in such as way that they are easily accessible, can assist in maintaining electoral skill levels.

Permanent and Temporary Staff

266. No EMB can justify or afford to maintain permanently the number of staff needed for all polling stations (which in a country such as Indonesia require over 4 million staff). Efficiency considerations may also preclude the permanent maintenance of secretariats or subsidiary EMBs at regional and local levels, or the full permanent staffing of functions that are only activated during an electoral period. For governmental EMBs under the Governmental and Mixed Models, much of the management structure for major electoral events may be based on temporary appointments or made up of staff seconded from other areas of the public service. Temporary EMB secretariat staff are often not recruited long enough before elections, nor do they stay long enough after elections, to be trained thoroughly for their work.

267. Each EMB needs to devise appropriate strategies to promote the effective use of temporary staff. These strategies could include timely recruitment processes; measures to ensure the availability of experienced temporary staff for each electoral event, such as the payment of availability retainers; and measures to maintain contact with temporary staff between electoral events, such as databases of contact information, newsletters, reunion meetings or refresher courses. Such measures can be particularly appropriate for EMBs in countries where there is no fixed interval for elections.

268. This type of approach is not possible, however, for an EMB such as that of Mexico, where temporary polling officials for each election are chosen through a lottery system. Significant lead time, and a very well funded recruitment and training effort, are then essential.

Conditions of Employment: EMB-specific or Public Service Staff

269. Staff of governmental EMBs under the Governmental and Mixed Models, and of independent EMBs which use public servants as staff under the Independent and Mixed Models, are usually employed under conditions broadly equivalent to those of public servants of similar rank and seniority. In Portugal the public service regulations allow the EMB flexibility in its employment practices. Special allowances for electoral work, particularly to compensate for the long hours involved during electoral periods, may also be available.

270. In independent EMBs which are responsible for their own staffing, the salaries and conditions of senior secretariat staff are often pegged to those of senior public servants. In Romania, EMB staff are employed on contract with conditions equivalent to those of the staff of the legislature. Salaries and conditions that are better than the public service standard may be offered to attract the highest-quality permanent and temporary staff and as compensation for the long hours of electoral period work. However, the continued payment of higher salaries to officials of independent EMBs between elections has resulted in some claims that this illustrates an inefficiency inherent in this model.

271. Where government policies aim to reduce staffing levels of public agencies, EMBs (as in Hungary) have often resorted to the use of external individual or corporate contractors, especially for technical development and support tasks, often at higher basic costs than public service base rates, but without the EMB paying costs such as pensions and allowances. This may cause disquiet among EMB staff who fear for the permanency of their own positions and are aware that their base rate of pay is inferior. It may also affect the sustainability of the EMB's operations.

Staff Pensions

272. Many EMBs link their staff pension to that offered by the public service, and it is natural to do so in EMBs where secretariat staff are public servants. It is cost-effective and convenient for these EMBs to maintain the pension link to the public service, and it may provide more secure or higher retirement benefits for EMB staff.

273. However, this practice can raise questions, especially for independent EMBs under the Independent and Mixed Models, about how 'independent' of the government the EMB is. In Canada, the EMB's pension package is linked by law to the public service pension without compromising its independence. In Romania, EMB staff pension benefits are as for staff of the legislature. On the other hand, in Lesotho, linking EMB staff pensions to the public service scheme has reinforced the perception that the EMB is not independent of the government. Some EMBs, even small ones, as in Botswana and Liberia, have their own pension scheme.

Career Patterns of Professional Electoral Officers

274. An EMB may seek to create career opportunities that are open to electoral professionals by preferring internal applicants who have specified professional electoral management qualifications to fill some vacant posts. In larger EMBs, as in India, Mexico or Nigeria, career opportunities may exist at regional as well as at the central level.

Procedures for Recruitment of EMB Staff

275. EMBs use various methods for recruiting secretariat staff. Governmental EMBs and other EMBs that rely on public service staff may not be free to implement their own recruiting practices. In Indonesia, the EMB may have to take whatever secretariat staff are allocated to it by the civil service.

276. Good practice is to hold an open selection process, as in Georgia and Palestine, advertising widely for candidates and specifying clearly the skills, qualifications and personal attributes required for each position to be filled. This is possible even where EMB staff are public servants, as the Australian example shows. It is more difficult where governmental EMB secretariats have part-time or fixed-period electoral tasks, and electoral skills may not be prominent in the profile required of staff.

277. As organizations that must set an example of acting equitably, EMBs need to implement recruitment and staffing policies that are conducive to gender balance in EMB staff, and that promote the employment of women to achieve this. Women need to be afforded opportunities equal to those offered to men for employment, training, promotion and benefits for all EMB permanent and temporary positions. This may require the EMB to introduce both gender-sensitive employment practices and training to ensure that all staff are aware of and committed to achieving the benefits of these. Some customary traditions, such as requirements in some societies for separate polling stations for women and men, may affect the details of implementing gender balance.

278. The implementation of gender balance in an established EMB permanent secretariat may take time and involve careful consideration of policies for filling vacancies. While this constraint does not apply when a new EMB secretariat is being established, the issue of gender balance may be lost in the hurry to find suitable people when recruiting for all levels of a complete EMB secretariat at one time – a lesson identified in retrospect in South Africa.

279. Some countries use the political parties to assist in identifying suitable EMB secretariat staff. In the USA, it is common for party nominees to participate in election administration, especially at local or 'county' level. The Mozambique EMB secretariat consists of staff at national, provincial and district levels who are appointed by parties in the legislature to represent them in key departments across the EMB.

280. One of the biggest recruitment tasks faced in a country is that of recruiting short-term electoral staff, particularly polling station staff. In Hungary, local governments recruit polling station staff. The EMBs in Namibia and South Africa request government ministries to second staff to be approved and appointed by the EMB for short-term contracts. In rural South Africa, traditional authorities are used to identify unemployed youth, who are interviewed by the EMB to assess their suitability for appointment as election officials at local polling stations. Other avenues for recruiting temporary EMB staff for polling station work include corporations and voluntary organizations.

281. In Uruguay, any civil servant may be compelled to undertake election work; in Mexico and Spain, this compulsion may extend to any voter. In Mexico, the electoral law requires the EMB to hold a two-stage lottery of all eligible citizens to make an initial selection of temporary staff for polling stations. Those selected are trained, after which a final selection is made, allocating staff to specific roles at polling stations according to their education level. A person summoned to staff a polling station who refuses without a legitimate cause will face a penalty.

282. Screening of candidates for permanent or temporary EMB staff appointment is a necessary component of the recruitment and appointment process which enhances its transparency. Screening aims to ensure that staff recruited have the specified qualifications, are of good character, and are not likely to be politically active or otherwise unsuitable. The screening process is best kept simple, quick, and under the control of the EMB rather than of political parties (as in the USA) or other organizations.

Procedures for the Appointment of EMB Secretariat Staff

283. The overriding consideration in appointing EMB secretariat staff is a fair selection procedure that results in the selection of the most suitable candidates. An EMB may often delegate the power of appointment to the head of the secretariat or to one of its members, who may then delegate the appointment of lower-ranking officials to other secretariat staff. In a few instances, the power of appointment is vested solely in the head of the secretariat, as in Botswana. Often the appointment of temporary staff for voter registration and polling station work is done by election committees or returning officers, or their equivalents, at electoral district or local level.

284. It is good practice for EMB staff to be required to sign the EMB's code of conduct as a condition of appointment. It is also good practice to inform the public about senior appointments to the EMB and its secretariat by placing this information on the EMB web site, in newspapers and in other media. To speed the integration of new staff into the EMB, it is important that the EMB develop a comprehensive orientation programme that is compulsory for all new staff within the first weeks of their appointment.

285. In some countries, such as Mexico, the EMB has full hiring and firing powers over its secretariat staff. The law requires that all management, supervisory and technical officials of the EMB be members of the Professional Electoral Service, which is essentially a specialized

civil service devoted entirely to electoral work. Citizens may have provisional access to the Professional Electoral Service by way of taking training courses, winning a contest for membership, or passing an examination. Full membership can only be obtained after passing required annual performance evaluations, undertaking further training, and having been involved in the management of an election. Initial recruits in 1992 were obtained through responses to a national media campaign.

Staff Training and Development

286. One of the pillars of professionalism in electoral administration is the proper training and development of core permanent EMB staff (if any), temporary management staff appointed for specific electoral events, and the large numbers of field staff that may be temporarily engaged for large-scale events such as elections, referendums or census-style voter registration. The principles of good electoral practice, such as impartiality, transparency, voting secrecy, equality of access, accountability and efficiency, form the basis of all EMB staff training. Staff training and development is a continuing activity. Changes in electoral procedures and technology, and the time that elapses between elections, mean that even the most experienced staff cannot rely entirely on experience to 'know' their current tasks.

287. Because staff training and development is not immediately tangible, as ballot boxes or voter education and information materials are, there can be difficulties in persuading governments to approve EMB budgets that contain sufficient funds for this task. The management of staff training and development also needs to occupy a sufficiently senior position in the EMB's organizational structure to ensure that it has a strong input into organizational priorities, including internal budget determination.

> As the chief electoral officer of Canada has observed, voters expect the same high standard of service from every one of his 190,000 staff whether they be long-term electoral professional employees or temporary staff who have only received two hours training.

EMB Organizational and Staff Development for Permanent Staff

288. Organizational and staff development (OSD) for the staff of an EMB addresses their long-term capacity-building and skills requirements, and also takes into account staff career development. OSD aims to unify the strategic objectives of the EMB and the skills required to attain these with the career and personal development goals of its staff. An active OSD element will contribute to the sustainability of the EMB.

289. It is important that an EMB develops both short-term and long-term strategies to address its OSD requirements. OSD requires a substantial, and preferably separate, dedicated

budget, so the EMB will need to prioritize its training and development needs. For example, the Russian EMB has decided that training of core staff is its priority, not training of polling station staff.

290. OSD is based on a needs assessment, which an EMB may conduct in-house or by bringing in outside contractors or management consultants. This needs assessment identifies all EMB tasks, compares the skill levels of staff with these tasks, and identifies the gaps – from which specific organizational and individual staff training needs, and the appropriate training methodologies, can be determined. OSD programmes aim to train each EMB staff member to do his or her tasks with maximum efficiency and professionalism.

291. Depending on the needs analysis, areas which OSD could cover include:

a. generic skills development, for example in:
   i. written and verbal communication;
   ii. creativity, innovation and enterprise;
   iii. team building;
   iv. critical and strategic thinking and problem solving;
   v. self-management;
   vi. dispute resolution skills;
   vii. project management;
   viii. using technology;
   ix. leadership, management, coaching and supervisory skills; and/or
b. the development of technical skills relevant to the specific EMB division.

292. Staff development may take a number of basic forms, such as customized short-term informal training in the form of staff meetings and reviews, retreats and seminars, the mentoring of staff by senior EMB or another organization's officials, and long-term formal training in the form of courses or academic development programmes. Continuous horizontal and vertical communication within the EMB not only contributes to development objectives but also greatly assists in maintaining organizational focus and improving staff performance.

Using International Experience

293. Through both bilateral and multilateral cooperation, many EMBs have been able to send their staff to observe electoral management in other countries, or on secondment to other EMBs for training and exposure to different ways of electoral organization. This is a quick and relatively inexpensive way of gaining new ideas and exposure to good practices in electoral administration. In addition, regional electoral associations can facilitate the exchange of information and the secondment and training of electoral administrators (see also chapter 11).

294. International advisers and consultants have the potential to help EMBs solve difficult specific problems, to advise the EMB members and staff on how to ensure that its operations meet international standards, and to build the EMB's own internal problem-solving capacities.

They may be specialists in particular electoral and technical fields or skilled electoral managers. However, EMB projects which use advisers and consultants with experience in other countries need to be structured to ensure skills transfer and capacity building through formal or informal one-to-one mentoring of the EMB's staff, in order that the project's achievements do not depart with the advisers.

Mentoring

295. The one-to-one mentoring approach to the professional development of selected permanent staff is not limited to projects with international consultants, but can be used to good effect internally by an EMB. For mentoring to be successful, the conditions and goals of each mentoring programme need to be clearly established. Mentor programmes can also assist an EMB to achieve some of its equity goals – for example, increasing the number of women or other targeted social or ethnic groups holding more senior management or technical positions. In addition to internal mentoring programmes, it may be possible to arrange short-term secondments of EMB staff to work with a mentor in another public-sector agency or private-sector organization.

Education and Development Courses for EMB Staff

296. There is a strong case for EMB staff being seen to be professional by gaining graduate or postgraduate qualifications in electoral management and governance. More institutions of higher learning are offering courses on aspects of governance and electoral administration. Pioneers in this have included the American University (USA), Griffith University (Australia), and the University of Paris II (France). The University of Calgary (Canada) has explored ways of conducting formal training in electoral governance.

297. International electoral assistance agencies have also developed relatively short professional development courses for electoral administrators, such as the BEAT (Basic Election Administration Training) course developed by IFES (formerly the International Foundation for Electoral Systems), which has been implemented in Nigeria and Sierra Leone.

298. The most comprehensive professional development course available for electoral administrators is the Building Resources in Democracy, Governance and Elections (BRIDGE) course, jointly developed by International IDEA, the UN Electoral Assistance Division and the Australian Electoral Commission. BRIDGE courses are presented by accredited BRIDGE facilitators. BRIDGE is made up of stand-alone modules, so that any course can be tailored to an EMB's specific professional development needs. All BRIDGE modules are available in English. Some or most of the modules are also available in Arabic, French, Portuguese and Russian, with other languages including Spanish planned.

299. In the UK, the Association of Election Administrators (AEA) conducts regular training and education for election administrators. EMBs (local authorities) in the UK usually require

that candidates for election-related positions have the relevant AEA qualifications. The South African EMB has been developing a formal training and education curriculum for election practitioners and an accreditation mechanism for qualified election managers. The Bangladeshi EMB has set up the National Training Institute in Dhaka, which conducts intensive training for electoral staff at all levels, both face-to-face and electronically. There are strict entrance, accreditation, and continuing professional development requirements for membership of the Professional Electoral Service of the EMB in Mexico.

Box 3: Some Important Steps towards Developing Electoral Administration as a Profession

a. the introduction of formal training and qualifications;

b. the establishment of a professional and sustainable electoral management body to safeguard and promote the professional interests of electoral administrators and regulate their ethical conduct;

c. the creation of a pool of resources and a network of expertise which electoral practitioners can refer to and consult in performing their professional work; and

d. the development of a career path and opportunities for electoral administrators.

Operational Training

Training Methods

300. Intensive training of temporary staff before every electoral event is a critical element of electoral service delivery and staff performance. The provision of a high-quality service, based on the principles of integrity and good electoral practice, is the underlying message of all training for temporary staff. It is important for an EMB to develop a database of temporary staff who have been trained and worked satisfactorily during electoral events so that such staff can be contacted for reappointment for future electoral events.

301. Experience has shown that it is more effective to focus training for temporary staff on the specific operational elements of their responsibilities. Training in tasks such as voter registration, polling and counting is invariably more effective if complemented by simulation

exercises, such as role-playing or mock exercises. Evaluation of each training session by the participants is essential for improved training performance.

Cascade Training

302. Cascade training entails the training of a core group of trainers in both electoral technical matters and training techniques – the 'training of trainers' who in turn train others 'face to face' at a lower level. The second level trains the third level and so on, until all targeted staff are trained. Cascade training's relative cost-effectiveness and ability to train large numbers of people in a short period of time mean that it is widely used in both new and established EMBs. It is especially useful for tasks undertaken by large numbers of staff, or where training has to be undertaken simultaneously or almost simultaneously over large geographical areas – for example, for voter registration and polling staff. Trainers at each of the successive levels may all be EMB members or staff, or may include external trainers – such as professional trainers, academics, or respected members of civil society organizations. Using a mix of EMB staff and external trainers can have advantages for stakeholder buy-in and sustainability.

303. Cascade training is effective if the training at different levels is sequenced within relatively short time periods, and the training at the final level of the cascade, for example for polling station staff, is most effectively done just a few days before the electoral event occurs to avoid the training being forgotten before it is used. Using this method requires that a large number of trainers understand fully the contents of the training sessions and the training methodology. Any failure or misunderstanding at the top of the chain will be passed on to the lower levels and may impact negatively on the whole exercise. Quality control measures – such as limiting the number of levels in the cascade, and spot-check monitoring of training sessions – assist in ensuring that all training sessions are conducted accurately and consistently.

Training by Mobile Teams

304. One alternative to cascade training is training by a small number of mobile teams of trainers, which conduct training for all election staff at all levels. This method has the advantage that the information is imparted accurately by competent teams of trainers. However, it requires more time, since a small number of teams are responsible for the training of all electoral staff across the country. While this may be an effective solution for electoral events held in very small geographical areas, it is not generally feasible elsewhere. If a large number of staff need to be trained and the mobile team starts training long before polling day, there is also a risk that the groups trained early will have lost the knowledge gained before they come to put it into practice.

Simultaneous Training

305. Another alternative to cascade training is simultaneous training, whereby all temporary

staff are trained on a single day or series of days. This could be used if there is very little time to prepare for an electoral event, or where a large-scale training event is useful to an EMB as an image-building exercise or to stimulate interest in or education about an electoral event, as in Cambodia in 1993. However, it requires a very large number of competent trainers who would generally need to be externally recruited and trained in the technical content, needs very intensive planning to implement, and is costly. Using video technology to brief temporary staff with previous experience on the changes that have been made to procedures since their last election might be another way to carry out a simultaneous training activity.

Training Materials

Instructions

306. Instructions in the form of easy-to-read sheets or checklists have long been used to complement cascade training of some tiers of electoral staff, for example, polling station security officials, polling station staff and counting staff. Examples may be found in countries such as the Solomon Islands in 2001 and Yemen in 2003, and the material can be made available in electronic format where facilities for this exist.

Training Manuals

307. Most EMBs rely on training manuals to impart skills to election officials. Manuals that are accurate, user-friendly, well written, and easy to interpret and apply are an indispensable training aid. It is effective to develop separate components of a manual to cover categories of staff with different duties, and to include in the manuals simple checklists of their essential tasks and a set of questions that trainees need to answer to verify their knowledge. Hard-copy manuals can be supplemented by soft copies from which additional materials can be printed. Sufficient copies of manuals can be printed to allow election officials to take them home after training, either for further reading or for reference while they are working. In Hungary, electronic training facilities are used, including an electronic manual and a test on its contents.

308. EMBs can also consider producing manuals on electoral processes for their various stakeholders, such as political parties and candidates, party agents, the media and election observers. The better the understanding stakeholders have of the electoral processes, the easier a competent EMB's work is likely to be.

Simulations and Videos

309. Simulation of electoral processes, such as the conduct of voter registration, polling and counting processes, is a popular training method. Simulations and similar hands-on and interactive training experiences are generally regarded as the most effective method of training temporary EMB staff and are worthy of being included in every training session.

310. The use of videos and graphics to illustrate and reinforce training texts and messages, and make presentations to smaller groups, is growing in popularity with trainers. These materials are useful to support, rather than be the basis of, electoral training. Video materials can be most effective when developed as short, focused segments that can be used to illustrate specific work activities and to guide simulations. Before developing training sessions relying on video content, an EMB needs to be sure that appropriate video facilities are available and affordable at all training locations.

Factors Which May Inhibit EMB Professionalism

311. There are numerous problems which an EMB may have to overcome to achieve an acceptable level of professionalism. Some may be within the EMB itself, such as behavioural, planning or resource prioritization issues. Others may be the product of factors in the EMB's external environment, including:

- *The political climate* within which elections take place largely determines the credibility and legitimacy of elections. In environments of political fear, intimidation and violence, and in societies with no respect for rule of law, or where governments have no transparency or accountability, it is difficult to manage credible elections. Nevertheless, a professionally oriented EMB can still work hard under such circumstances to demonstrate a commitment to ethical principles and by so doing contribute to efforts to build confidence in the electoral process. Examples of EMBs which delivered acceptable results under the most trying circumstances include the EMBs of Afghanistan (2004), Iraq (January 2005), Mozambique (1994), Nicaragua (1990), Palestine (2006) and South Africa (1994).

- *A sound electoral legal framework* is essential for the successful planning and conduct of electoral events and also for the professionalization of the EMB. Where the legal framework falls short of the acceptable norms, the EMB may encounter difficulties in delivering electoral events that are acceptable to all stakeholders, and may thus appear to be unprofessional. In order to avoid political disruptions and other uncertainties that may undermine the electoral process, it is preferable that changes to the legal framework be finalized long before the date of an electoral event. This allows the EMB sufficient time to educate the stakeholders about the changes, make the necessary modifications to its procedures, and train its staff. It also allows the parties and candidates time to adjust their plans if necessary. The experience of many EMBs, however, particularly in emerging democracies, is that last-minute changes to the legal framework are common.

- *Lack of continuity* undermines professional development where EMBs are temporary bodies. While a permanent EMB tends to have time and resources to train its staff in between elections, a temporary EMB has limited time in office – in many cases not exceeding 90 days – which makes long-term training and capacity building very difficult. The heavy reliance of a temporary EMB on temporarily seconded public servants may also undermine EMB professionalism, especially because the office from which they are seconded may not be able to release the same staff to the EMB for every electoral event.

- *Lack of adequate or timely funding* can also undermine an EMB's professional development programmes. Some EMBs, especially in fledgling democracies, struggle to get enough funds for electoral events. When funds are eventually made available it may be too late to conduct meaningful training of staff, especially temporary electoral staff. Funding may also include conditions that inappropriately limit the EMB's choice of types of staff training or development.

CHAPTER SUMMARY

- Professional EMB members and staff need appropriate skills and, most importantly, a commitment to the principles of electoral management, including integrity, impartiality, independence, transparency, efficiency and service-mindedness.

- The use of public-service staff in EMB secretariats can provide the benefits of public-sector experience, but can create challenges for EMB professionalization, especially in governmental EMBs, where electoral work may not be the vocation of EMB staff. EMBs that can hire their own staff and are not subject to public service rules may be able to offer incentives to attract higher-quality staff. The existence of attractive career paths in EMBs will assist in the professionalization and retention of staff.

- EMB staff requirements are cyclical, with very high peaks that cannot justify the maintenance of sufficient permanent staff throughout the whole electoral cycle. Each EMB needs to devise appropriate strategies to promote the effective use of temporary staff, which may include timely recruitment processes, availability of incentive and training opportunities, and mechanisms for regular contact.

- Equitable recruitment and employment practices – including open merit-based selection processes, gender balance, and a fair and safe working environment – fulfil an EMB's internal responsibility as an institution that promotes equity in public life.

- Investment in EMB staff training and development is critical for improving overall EMB effectiveness. This could be through internal courses, professional associations, academic qualifications, or mentoring and skills transfer by consultants and senior managers, or through the use of an electoral management curriculum such as the BRIDGE course developed by International IDEA, the Australian Electoral Commission and the UN Electoral Assistance Division.

- Operational training, especially for temporary staff, has been found to be most effective if it concentrates on specific technical processes, and includes simulations, backed by good-quality materials such as manuals and checklists, instructions, appropriate audiovisual aids, and rigorous training evaluation.

- EMBs typically need to provide operational training quickly for large numbers of electoral event staff. Mobile team training requires a relatively long training timetable, and simultaneous training a relatively large number of trainers. Cascade training is commonly used, although it requires strict timing and quality controls to ensure that accurate and complete information reaches the lower levels of the cascade in a timely manner.

- EMBs may have to overcome negative influences on their professionalization, such as conflict environments, flawed legal frameworks, the temporary nature of an EMB, or insufficient or late release of funds.

CASE STUDY: Sweden

Sweden: Governmental in Form, Independent in Practice: A Decentralized Election Management System

Maria Gratschew

The Institutional Structure of Electoral Management

The Swedish EMB is best described as a decentralized institution divided into three levels that are separate from each other – central, regional and local. The structure of electoral administration corresponds to the structure of institutions of governance in Sweden in general.

The local authority (the *kommun*) is the local EMB, responsible for recruiting and training polling station officials, for setting up and equipping polling stations and for the first count of votes which takes place in the polling stations. The regional EMB, the County Administrative Board (Länsstyrelsen), is responsible for the second and final count of votes from the whole region, which takes place at counting centres, and the declaration of the results of elections to the county councils and municipal assemblies. The central EMB, the Election Authority (Valmyndigheten), has a range of responsibilities, including the (voluntary) registration of political parties' names and the names of the parties' official candidates, voter education, the production and design of ballot papers, and deciding the number of parliamentary seats allocated to each electoral district. The central EMB declares the results of elections for the national Parliament (the Riskdag) and the European Parliament.

The tasks carried out by the local or regional EMBs are not directed by the central EMB, but are laid down in the laws and documents that establish them as electoral authorities – the Elections Act and its associated regulations.

The central EMB is not fully institutionally independent from the executive branch of government: it is expected to report to, and in some cases consult with, the Ministry of Justice. The public administration in Sweden is structured so that all statutory authorities fall within the area of work of a government ministry, even though they may not be subject to direct supervision. The major channel of the relationship with the ministry lies in the submission of the annual report, which in turns forms the basis of financial review by the State Auditors (Riksrevisionen). The central EMB has full responsibility for implementation of the Elections Act, but does not establish government policy.

The local EMB is accountable to the management and board of the municipality, which is an elected body. Local and regional EMBs that have received additional funding from the central EMB for tasks relating to voting at 'special institutions' (such as hospitals and prisons) have to report on this specifically to the central EMB.

The administrative director of the central EMB, the Election Authority, is appointed by the government. The central EMB is a small organization with not more than 13 full-time employees. Consultants are used mainly for work on technical and Web communication issues. The central EMB works under the supervision of the Board of the Election Authority, a five-member body which provides the EMB with advice but is not involved in day-to-day practicalities. There are 21 regional EMBs (one within each of the 21 county administrative boards) and 290 local EMBs (one within each of the 290 local municipalities).

An eight-member board, the Election Review Board, is appointed by the Parliament immediately after an election. Electoral disputes are managed by this board, and there is no appeal against its decisions.

The indigenous people of Sweden, the Sami, elect members to their own regional parliament. These elections are managed by one of the regional EMBs, together with the central EMB and the staff of the Sami authority, as specified in the law governing the Sami Parliament.

Historical Background

During the first half of the 20th century, elections were administered by local and regional authorities under the supervision of the Ministry for Internal Affairs. Very few staff worked with electoral administration, and most of them also had other responsibilities. The civil register, which still provides the basis of the electoral register, was produced by the Board for Civil Registration and Tax Collection (Centrala Folkbokföring och Uppbördsnämnden). When the National Tax Agency (Skatteverket) was set up and took over responsibility for the civil register in 1971, it was practical to centralize electoral management at the same time. This was reinforced by a change in the electoral system, creating a single national district for the allocation of some of the parliamentary seats, and therefore making it difficult for regional authorities to perform the allocation of seats for the national Parliament.

After almost 30 years as a small office incorporated within the National Tax Agency, at the end of the 1990s the staff of the Electoral Office initiated discussions aiming at changing the electoral management structure. Three main reasons for the proposed change were cited. First, the Electoral Office was working under the rules of the National Tax Agency, and was not able to work with the freedom, speed and versatility that its work demanded. Second, with the development and increased use of new and Web-based technology, the Electoral Office identified the need to establish its own lines of communication. Third, it was argued that the issues involved in managing elections are of such a different and particular character that they should be managed by a separate body.

The electoral management system of Sweden was changed by the Swedish Parliament in January 2001, following a long process of deliberation, consultation and formal consideration by relevant bodies. The new central EMB was in place and fully functional by July 2001, and the first election to take place under the new EMB structure was the parliamentary election of 2002. In short, the structure of electoral management has moved from being a decentralized system in the early 20th century, to a centralized system as part of a larger authority, to being an effectively independent body while still falling under the remit of a government ministry.

The Election Authority believes that the changes since 2001 have made its work much easier, and that the regional and local EMBs have become more visible. However, there were initial disadvantages associated with the change, as services and expertise that were available within the National Tax Agency were lost when the separate central EMB was established. The

new EMB has been forced to invest in building up and recruiting its own expertise and capacity in relation to public procurement and computer technology.

The Legislative Framework

There are no provisions for EMBs in the constitution. They are, however, mentioned in the Elections Act (Vallag 1997:157, chapter 1, sections 15, 16 and 17), which specifies that there shall be a central EMB, regional EMBs and local EMBs. It does not specify whether these bodies should be independent, or affiliated to any other authority or institution. It simply provides that the government decides which body should form the central EMB. The Parliament, by the decision of 2001 to establish a separate central EMB, has already done so. (Since the inception of the Election Authority, powers relating to the establishment of new authorities have changed. It is today the power of the government to establish new authorities.)

The constitution outlines general principles of equal and universal suffrage, of periodic elections, electoral districts, the Election Review Board and the electoral system. The Elections Act specifies the tasks of:

- the local, regional and central EMBs;
- the polling station staff; and
- the Election Review Board.

It also specifies in detail the division of tasks between the EMBs, and defines provisions relating to:

- electoral districts and boundary delimitation;
- procedures regarding the registration of political parties and candidates;
- the production and design of ballot papers;
- procedures for voting, including advance voting, absentee voting or voting from special institutions (such as prisons or hospitals);
- vote counting and the allocation of seats;
- the identification of replacement candidates or elected members in the event of resignations or deaths;
- how to appeal against election results;
- voting rights; and
- special rules applicable for elections to the European Parliament (Sweden has incorporated those rules and regulations laid down for elections to the European Parliament in European Union legal instruments into its Elections Act).

Financing

The central EMB requests its annual budget from the Ministry of Justice. The Ministry of Justice then receives these funds from the Ministry of Finance, in accordance with a parliamentary decision on the budget proposal by the government. The central EMB has normally received the amount it requested.

The regional EMB receives its funding from two sources: its own general budget as the County Administrative Board, which covers permanent costs such as staff and premises, and the budget of the central EMB, which covers the additional costs that relate to elections. On

average, the regional EMB receives about 0.30 euros (EUR) from the central EMB for each registered voter in its region, depending on the type of election. This funding from the central EMB is only given to the regional EMBs during an election year.

The funding of the local EMBs is separate from that of the other two levels, as municipalities receive funding from the government for their whole area of work, which includes the work of the local EMB. The Municipal Assembly determines the overall municipal budget annually. Expenditures for general elections and referendums are included in that budget. The one exception is the cost involved in voting that takes place at 'special institutions'; funding for this is requested from the budget of the central EMB. Some local municipalities have disliked having to cover the cost of elections other than those for representatives for the local electoral districts – for example, national referendums or elections to the European Parliament – since their budgets are 'local' and not supposed to cover 'national' events. However, as of 2006 the municipalities have greatly increased responsibilities for advance voting for all types of general elections and national referendums, which will add to the election costs they are responsible for covering.

The cost of meeting high technical standards is reflected in EMB budgets. The local and regional EMBs form part of existing administrations, the central EMB is established with the status of a separate authority, and adequate resources appear to be assured.

The Professionalism of Electoral Officers

There are no official education programmes or courses in electoral administration in Sweden. The training provided to staff members is designed internally. The central EMB has taken part in general training in issues relating to public procurement, as it manages the production of high-cost material such as ballot papers, advertisements and public information on elections. The central EMB has conducted in-depth training for the staff of the regional EMBs since the 1970s and for the staff of the Sami Parliament during recent years.

The staff of the Election Authority can be divided into three main groups – technical staff, subject experts and support staff. While institutional memory was maintained when nearly all the staff associated with elections transferred to the new central EMB in 2001, the central EMB faces problems common to small institutions, such as dealing with the near-simultaneous retirement of several key personnel or keeping up with constant developments in new technology.

Although all vacancies must be publicly advertised, in practice the staff of the central EMB are mainly recruited from election officials at the regional or local level. As local EMBs are responsible for recruiting officials for the polling stations, they undertake major recruitment and training processes before each election. The recruitment process varies between municipalities: some recruit mainly from political parties, trying to ensure political balance, some seek officials from outside the political process, and some use a combination of both.

At regional level, between one and three members of staff are responsible for managing elections, and have other tasks within the county administrative boards during other times. As the regional EMBs are responsible for the final counting of votes, they recruit additional temporary staff for this purpose.

Relations with Other Institutions and Agencies

Relations and cooperation with other institutions are key to the work of the central EMB.

Since the National Tax Agency is responsible for both civil and electoral registration, these two institutions cooperate continuously. The central statistical office (Statistics Sweden, Statistiska Centralbyrån) supplies survey data for electoral purposes, while the Election Authority provides the election results data to Statistics Sweden for publication. The authority responsible for issues relating to real estate assists in the work of boundary delimitation. Sweden's diplomatic missions abroad are also partners in the electoral process, as external voting is part of their function. The Ministry of Justice remains an important partner of the central EMB, and desk officers of both institutions have close and regular contact.

Electoral Reform Management

The political environment in Sweden is comparatively stable. Election results and the work done by the EMBs are not often criticized or disputed, and EMB recommendations are usually treated with respect.

The central EMB is, however, able to suggest changes and improvement to electoral legislation or practices through the Ministry of Justice, and regularly does so. There have been cases when the central EMB has been the catalyst for change, while at other times it simply acts as a participant, or makes suggestions to the Ministry of Justice, on issues that need consideration. If a decision involves controversy, committees, politicians and officials from the EMB and the government seek to reach agreement through consultation, not through voting.

CASE STUDY: Japan

Japan: Mixed Model Electoral Management for a Mixed Parallel Electoral System

Kaz Kuroda and Maiko Shimizu

The constitution of Japan adopts representative democracy and guarantees universal suffrage, equality of vote, and the secret ballot. It also includes the basic principles of the election system in the chapter on Rights and Duties of the People, which apply both to elections for members of the National Diet and to elections for members of local assemblies and heads of local authorities.

Universal suffrage in elections for public office is guaranteed to all Japanese nationals 20 years of age and older. Since 1945 there has therefore been no discrimination on suffrage according to gender, race, social status, property, or the amount of tax paid. Requirements as to the amount of tax paid to the National Treasury, which existed in the former election law under the Meiji constitution, were completely abolished in 1925, and in 1945 after World War II, women were finally given the right to vote.

The Public Offices Election Law actualizes the principles contained in the constitution relating to elections for national and local public offices. Previously, there was no unified legislation on elections. Each election, national or local, was held under individual pieces of legislation (the Lower House Election Law, the Upper House Election Law and the provisions concerning the election of local authorities in the Local Autonomy Law). In 1950, all these acts were consolidated into the Public Offices Election Law.

Institutional Structure

The types, responsibilities and composition of the EMBs are as follows.

The responsibilities of the *Central Election Management Council* relate to the election of the members to the House of Representatives under the proportional representation (PR) element of Japan's Mixed Parallel electoral system, and of the members of the House of Councillors under the PR element of the electoral system. The Central Election Management Council is an independent body, composed of five members appointed by the prime minister based on nominations by the Diet. The term of office is three years.

Prefecture electoral management committees have responsibilities related to the election of the members of the House of Representatives from the single-member electoral districts, the members of the House of Councillors from electoral districts, the governors of prefectures, and the members of prefecture assemblies. Prefecture election management committees are

composed of four members selected by prefecture assemblies. The term of office is four years.

Municipal (city, town and village) electoral management committees have responsibilities related to the election of the heads of municipalities and the members of municipal assemblies. They have four members selected by municipal assemblies. The term of office is four years.

Every prefecture and municipality establishes such an election management committee which is one of the administrative committees of the authority, parallel to other local authority committees such as those for education, public safety, local labour relations and agriculture.

In addition, electoral management committees are set up in the special wards of the Tokyo metropolitan government and in the administrative wards of 12 designated cities.

These committees are wholly responsible for the management of their respective functions. Local government in Japan is based on the presidential system, where governors, mayors and councillors are directly elected, and functions on the principle of the separation of powers and internal checks and balances to ensure democratic local administration. An ordinary local authority thus consists of an executive branch and a legislature. The legislature (the elected council) of the prefecture or municipality determines budgets, enacts local legislation and makes decisions on its policies. The executive branch implements the policies decided by the legislature. It includes governors, mayors and their executive committees. To prevent the over-concentration of power in one place, the executive branch also includes a number of administrative committees which are independent of the governor or mayor, for instance, the board of education, or public safety committee, and election committees.

Local authorities are empowered to manage their own financial affairs, and sources of revenue are guaranteed in a number of ways. Their major revenue sources are local taxes, a local allocation tax, government grants, and local loans. Article 7 of the Local Allocation Tax Law requires local authority estimates (income and expenditure) to be determined by the Cabinet, submitted to the Diet and subsequently published. This allows for verification that the local authority revenues will be sufficient to provide a given level of service and meet legal obligations. If revenue is insufficient, the central government may consider amendments to the local tax system, increase the local allocation tax, or take other action. The arrangement also helps local authorities match their economic and fiscal policies with those of central government and acts as a guideline for fiscal management.

A system of resident registration has also been set up to identify accurately the residents within a local authority's jurisdiction. The register contains consolidated records of all residents within the community, forming a database for voter registration and other matters involving residence. It also makes notification procedures easy for the purposes of national health insurance, taxation, compulsory education, and so on.

Sources of Technical Advice and Recommendations

There are a number of sources for technical advice and recommendations relating to elections.

The Central Election Management Council provides the prefectures, cities, towns and villages with technical advice and recommendations and with directions for the legal and appropriate management of the election of members of the House of Representatives and the House of Councillors based on the PR system.

The minister of public management, home affairs, posts and telecommunications is empowered under the Local Autonomy Law to provide the prefecture, city, town and village electoral management committees with technical advice and recommendations as well as directions for the legal and appropriate management of the election of members of the House of

Representatives on the single-member electoral district system, as well as elections to the House of Councillors.

The prefecture electoral management committees also provide the municipal electoral management committees with technical advice and recommendations.

Efficiency and Costs in Vote Counting

A characteristic of election officials in Japan is their orientation to professionalism and a drive towards constantly increasing efficiency, especially regarding the vote counting.

There are two main reasons for the electoral commissions' efforts in reducing the time for vote counting. The first originated from the extension of the opening hours of polling stations, from 6 pm to 8 pm. Because salaries are higher in the evenings than during the daytime, costs increased when the opening hours of the polling stations were prolonged and electoral commissions have been keen to speed up the counting process.

The second reason is media pressure: the press has demanded timely information disclosure and sought accurate results from the electoral authorities on the day of polling. This has even led to competition among electoral commissions to reduce the time for vote counting. Some electoral commissions have chosen to make public their estimated time for vote counting in each municipality, demonstrating the element of competition. Other electoral commissions have chosen to introduce electronic voting machines, but because of the perceived complexity, cost, and security issues regarding e-voting, the machines have not yet become popular. In a further approach to cost reduction, a number of electoral commissions, such as that in Yokohama city, have instead decided to conduct the vote count on the day after polling, but delay their declaration of results by doing so.

Chapter 7

Chapter 7

The Financing of EMBs

Common EMB Financing Issues

312. The funding of elections may appear to be costly, and has to compete with vital national services such as defence, health and education, which may yield greater immediate political returns. Inadequate or untimely funding of electoral processes may occur because governments are not able to appropriate sufficient funds or to ensure the timely disbursement of approved funds.

313. EMB funding needs are dependent on the electoral cycle and will vary hugely between election and non-election years. Other significant factors include the model of electoral management used, the electoral procedures in place, and the frequency of elections. EMBs have been regularly accused of procuring expensive goods and services, such as high-technology equipment, which is not put to effective use. Some EMBs have also been accused of printing more ballot materials and recruiting more election staff than necessary. The independence of some models of EMBs from the executive branch of government may lead to perceptions that they are not subject to the controls on spending applied to government agencies.

314. Many EMBs, such as those in Afghanistan, Cambodia, Haiti, Indonesia, Iraq and Liberia, have relied on international donors for substantial amounts of budgetary support, as well as technical assistance. Apart from the sustainability issues raised (see chapter 10 of this Handbook), the conflicting conditions which different donor agencies impose on the EMBs, added to the requirements from their own governments, may make it difficult for EMBs to account properly and within a reasonable time for the totality of the funding they receive.

315. EMBs have had to deal with the question whether and how to fund new technologies, particularly for voter registration, voting and vote-counting, such as electronic voting. The increased emphasis on access issues – such as the provision of mobile polling stations, facilities for absentee voting in-country or in other countries, facilities for voters with disabilities, and electoral information that is effective in increasingly multilingual societies – has also had financing implications. In many established democracies, government policies of slimming down public sectors have led to less certainty of funding for EMBs, particularly for staff costs.

What Electoral Costs Need to be Financed?

316. Electoral finance refers to the electoral budget or the costs that a country incurs as a result of the various activities undertaken by EMBs and other agencies to organize and conduct an electoral process. Some electoral costs may be easily identifiable EMB costs; others may be difficult to quantify because they are contained within the general services budgets of other government agencies. Electoral cost comparisons between countries have proved difficult, largely because different items can be identified and quantified as electoral costs in different electoral environments using different models of electoral management. The United Nations Development Programme (UNDP)- and IFES-sponsored Cost of Registration and Elections (CORE) Project divides electoral costs into three categories:

a. *core costs* (or direct costs) – those costs that are routinely associated with implementing an electoral process in a stable electoral environment;
b. *diffuse costs* (or indirect costs) – those costs for electoral-related services that cannot be disentangled from the general budgets of agencies that assist with the implementation of an electoral process; and
c. *integrity costs* – those costs, over and above the core costs, that are necessary to provide safety, integrity, political neutrality, and a level playing field for an electoral process.

317. Integrity costs are often largely sponsored outside EMBs, mainly by the donor community: the sophisticated internationally funded electoral register data processing and production activities in the transitional elections of Afghanistan and Iraq are examples. Such additional costs may not be included in analyses of EMB budgets, although they relate to functions within EMB mandates. According to the CORE Project, core costs are proportionally highest in stable democracies, as progress towards democratic consolidation tends to lead to a decrease in integrity costs and an increase in core costs. The increase in the core costs results from demands for increased participation to be fostered through more widely accessible electoral operations, and from the use of high technology to expedite voter registration, voting and the transmission of election results.

318. The CORE Project further shows that diffuse costs tend to be higher in stable democracies, especially in Western Europe, where electoral processes are more likely to be implemented by governmental EMBs under the Governmental or Mixed Model, and several government agencies may be used to implement electoral services. Where, for example, a national civil registration agency is responsible for providing electoral register data, as in Hungary and Norway, it incurs costs related to electoral events which may be difficult to separate from overall civil registration costs. Even where governments have a policy of 'cost recovery' for governmental agency electoral services, the true cost may not be charged.

319. EMBs under the Independent Model are more likely to have sole responsibility for electoral functions, and thus have a higher level of readily identifiable direct costs, and a lower level of diffuse costs than EMBs under the Governmental Model or the Mixed Model. A higher level of readily identifiable costs may give a false impression of higher actual costs.

Table 13: Attributes and Examples of Electoral Core, Diffuse and Integrity Costs

	Core Costs	Diffuse Costs	Integrity Costs
Attributes	Covers the basic costs of electoral tasks Usually identifiable in the budget of the EMB or other authorities responsible for electoral tasks May be difficult to quantify and amalgamate if split between several agencies	Costs of support services for electoral events provided by other agencies May not be possible to separate election-related costs May be difficult to quantify as often contained within the general budgets of several agencies	Additional costs to ensure the integrity of fragile electoral processes Usually identifiable in the budget of EMBs or other authorities responsible for electoral tasks May be difficult to quantify if split between several agencies Particularly relevant in post-conflict or emerging democracies
Examples	Basic costs of voter registration, voter information, printing of ballot papers, voting, counting, and transmission of results	Security services provided by police Voter data provided by civil registration agencies Logistical support by governments, such as provision of transport or premises Statistical IT system services Salaries for teachers seconded as polling officials	High-integrity voting security measures such as the use of indelible ink and tamper-proof containers, external processing of electoral registers, and special security paper for printing ballot papers Election-related costs of international peacekeeping missions Political equity costs such as funding of party campaigns, media monitoring

Who Finances EMBs and How?

State or Public Funding

320. Electoral events are a core function of a democratic state. The state thus remains the primary source of funding for the core costs of most EMBs. The electoral budget forms part of the consolidated national budget on an annual cycle. However, different models of EMBs may receive their funding by different methods and routes from the state's consolidated budget.

Method of Disbursing State Funding

321. Funding for many EMBs under the Independent Model, for example in Costa Rica, Ghana and Namibia, is a separate line item in the national budget, released directly to the EMB by the Treasury. For others, the EMB budget is released through a government ministry, for example, the Ministry of Home Affairs in South Africa and the Ministry of Laws in India.

322. Budgets for EMBs under the Governmental Model are usually a part of the budget of the government ministry responsible for implementing electoral processes, as in Denmark and Singapore. Where the Mixed Model is used, the budget of the component independent EMB may be channelled through a line ministry, such as the Ministry of the Interior in France. In Senegal, electoral implementation by the Directorate of Elections in the Ministry of the Interior is funded through that ministry. However, soon after the establishment in 2005 of the component independent EMB, the Autonomous National Election Commission, its funding was a subject of dispute.

Approval of EMB Budget Proposals

323. It is common for EMBs to submit their budget proposals to the Treasury for preliminary approval, although some submit their budget proposals directly to the legislature or a committee of the legislature. In some countries, such as Costa Rica, the legislature has no power to alter or reject any part of the proposed budget of the EMB (see the case study). In others, as in Nigeria and the Seychelles, specified parts of the EMB's proposed budget dealing with EMB members' salaries and allowances cannot be altered by the executive or its agencies.

324. In Canada, the budget of the EMB has two parts – the recurrent budget, which covers costs such as permanent staff and related material support; and the elections budget, which covers additional expenses directly related to an election or referendum. The recurrent budget may be altered by the government, while the elections budget may not. The EMB provides an annual estimate of its elections budget to the government, but is allowed to spend more than this estimate. Following the election, the EMB accounts for these expenditures to a committee of the legislature.

Integrated or Distributed Electoral Budgets

325. An electoral budget may be a single integrated item in the national budget, or may consist of many components which are spread across the budgets of various government agencies. National, regional and local governments' budgets may each provide funds to EMBs. In the unitary state of Indonesia, the national budget totally funds the EMB to conduct presidential elections and elections to national and regional legislatures, but regional and local authorities provide most of the funding for elections for provincial governors and local mayors. Such arrangements are more common in federal states. Funding for the EMB in Bosnia and Herzegovina is provided by all four levels of government; their respective shares vary according to the type of elections being held. In India and Mexico, the national government funds the EMB to conduct national elections, but regional governments contribute funds when their elections coincide with national ones. In the UK, the costs of elections are funded by local authorities and are reimbursed by central government according to fixed scales.

Donor Funding

326. Some countries emerging from conflict have relied on donor assistance, through the UN or other agencies, to fund the whole or a significant part of their electoral budget. Examples include Cambodia (1993), Mozambique (1994), Bosnia and Herzegovina (1996), East Timor (2000), Sierra Leone (2002), Afghanistan (2004), Iraq (2005) and Palestine (2005–2006). In post-conflict elections, donor assistance can be essential, especially if breakdown of the institutions of the state has destroyed their ability to collect revenue.

327. Donor assistance from the UN, the European Commission, the United States Agency for International Development (USAID) and other sources has made a significant contribution to funding electoral processes in many other countries. There is a growing pattern of regional donor assistance: for example, South Africa and other SADC countries offer electoral support to EMBs of other SADC member countries; and the OAS has provided regional assistance in countries such as Haiti.

328. In emerging democracies such as Albania, Indonesia, Lesotho and Palestine, assistance may be necessary to implement electoral processes that meet international standards. Assistance may also be necessary to enable fledgling opposition parties to contest elections in a comparatively competitive manner. In countries wishing to upgrade their electoral services, such as Papua New Guinea, general institutional capacities and awareness may not yet have developed sufficiently to deal with the 'intangibles' in electoral costs – such as training and education. Even in relatively consolidated democracies, 'flagship' projects in fields such as data processing and communications may require donor assistance. Some emerging democracies are relying heavily on foreign donor assistance to fund their core election budget. The resulting sustainability issues are examined in chapter 10 of this Handbook.

329. The availability of funding from donors will be affected by their own funding cycles, which may be difficult to coordinate with the timing of EMB needs. Donor assistance is

usually channelled either directly to the EMB or through a government ministry. Channelling it directly to the EMB has the advantage that it facilitates easier disbursement and provides a direct line of accountability. In Cambodia and Yemen, the EMB has a special account in the National Treasury established for electoral management funding from all sources. Different accounting requirements from multiple donors may complicate the EMB's financial reporting mechanisms. On the other hand, exposure to different donors' accounting requirements can encourage EMBs to review and improve their own financial accountability systems.

330. Control of donor funds can be a contentious issue. Channelling donor funds through government ministries may lead to delays or diversions in the disbursement of funds due to government bureaucracy or corruption, but host countries may insist on this to ensure that their, rather than the donors', funding priorities are followed. Steering committee mechanisms, involving representatives of all donors, the EMB, and possibly the government, can be an effective solution, and can prevent duplication of funding. Formal or informal use of an agency such as the UNDP to coordinate all donor funding for an EMB can also be effective. In Indonesia in 2004, a significant proportion of multiple donors' electoral assistance funds were disbursed through a UNDP Trust Fund under priorities established by the EMB.

331. EMBs need to be careful that donor assistance meets their priorities and is not driven by the interests of consultants provided by the donors or by equipment providers from the donor country. Technical assistance provided by donors needs to include components for training and skills transfer to EMB counterpart staff so that the EMB can assume full ownership of future electoral processes. Donors may prefer to directly contract suppliers of products or services for an EMB, which can raise public questions about foreign interference. Donors may require that systems, equipment and other tangible items they provide be purchased from their home country suppliers. Experience shows that externally driven equipment solutions, such as the choice of equipment for voter registration in East Timor in 2000, may be inappropriate for the environment.

Table 14: Some Key Advantages and Disadvantages of International Donor Funding for Electoral Processes

Advantages	Disadvantages
• May be necessary to ensure that an electoral event is held • Donor-funded technical assistance can raise electoral administration standards • Assistance with implementing international standards can enhance the freedom and fairness of electoral processes • Skills transfer from technical assistance can create sustainable improvements in electoral processes • Coordinated donor assistance can plug critical gaps in an EMB's budget • Funding may assist an EMB to improve its service and credibility by acquiring appropriate technology • May encourage EMBs to improve their budgeting and accounting processes	• May create dependence on foreign funding of electoral processes • May lead to the introduction of costly and unsustainable electoral practices • Unless carefully coordinated, can lead to duplication of funding • May concentrate on high-profile activities to the detriment of essential ones • May not ensure that sufficient funding is received in time • Ineffective or inappropriate externally driven technical solutions may be imposed on an EMB • May be difficult to implement different accounting mechanisms required by multiple donors

Other Sources of EMB Funding

332. Some EMBs receive income in the form of nomination fees, lost deposits, or fines imposed following breaches of electoral campaigning or other regulations. It is important that this income is accounted for fully and transparently.

333. EMBs may also receive funds and donations in kind from large corporations, the business community and philanthropists. For example, the South African and Namibian EMBs collaborate with the local business community to set up and manage their election results centres, while the Botswana EMB cooperates with the corporate sector to conduct voter information campaigns. EMBs need to be careful that the manner of raising funds from the corporate sector does not affect perceptions of their financial probity, impartiality or credibility.

334. Some EMBs, as in Australia, raise some funds through the administration of elections on behalf of bodies such as professional associations or trade unions. Others, as in Hungary and Zambia, charge a fee to recover the costs of printing copies of the electoral register which are distributed to political parties and other stakeholders, and in some cases charge for other publications.

Budget Formulation Methods for EMBs

335. There are two main approaches to the formulation of an EMB budget: baseline (or incremental) and zero base (or zero-based) budgeting:

a. *baseline budgeting* takes as its basis the last funding period's allocation and adjusts that for the next period. It is a budgeting tool suited to relatively static environments, rather than the dynamic electoral environment; while
b. *zero base budgeting* treats each funding period as a clean slate, and estimates funds required to achieve the strategic plan's objectives for that period.

336. Zero base budgeting recognizes that circumstances change from funding period to funding period. Past funding levels are not the relevant factor. Budgets are linked to the strategic plan by separately estimating and justifying the funds required to achieve each of the objectives for the funding period defined in an EMB's strategic and operational plans.

337. An EMB's approach to budgeting often tends to reflect that of the public sector in its country, especially if it is bound by general public-sector financial rules. Many EMBs still use baseline budgeting to prepare their election budget. There are a number of factors that make this approach less effective or even inappropriate for EMBs:

a. As an EMB's tasks may vary greatly from one year to another, depending on the electoral cycle, the resources needed for one funding period's tasks tend not to be adequately predicted by the preceding funding period.
b. Attempting to estimate budgets for a forthcoming election on the basis of the budget for an election three, four or even five years earlier runs the risk that the effects of environmental and technological changes or inflation that occur over longer periods will not be adequately considered.
c. The changing nature of electoral processes creates new tasks and new costs which may not be able to be estimated on the basis of past needs.
d. There are likely to be substantial cost variations from year to year due to the increasing use of new technology for EMB tasks such as voter registration, information communication and management systems, voting and the transmission of election results. As increasing use of technology changes EMBs' working methods, costs in some areas may rise and in others may fall.

338. If the EMB uses a baseline budgeting approach, it will find it more difficult to meet the increasing demands for good governance, accountability and sustainability. EMBs need to justify what will be achieved by the use of the funds requested, and show why the level of funding requested is necessary.

339. Zero base budgeting encourages a 'programme' or 'performance' approach to budgets, whereby EMB activities are separately costed, and budgets are linked to specific output targets and objectives, as is done by the Australian EMB. Thus, instead of having EMB-wide, generic budget categories of 'staffing', 'forms printing', 'transport', 'security', 'regional office costs' and

the like, which makes it difficult to determine the cost of any EMB service or product, relevant costs are budgeted and attributed to a specific programme or project – such as ballot paper printing and distribution, staff training, or information programmes for political parties.

340. Zero base budgeting greatly improves the accountability of an EMB for its use of public and other funds, and assists the EMB to focus on providing cost-effective service delivery. It requires that all divisions within the EMB have individual work plans that are tailored to the EMB's strategic goals, which identify the required outcomes, contain performance objectives based on measurable output targets, and specify verifiable indicators that these targets are being achieved. Each work plan aims to achieve a particular objective which contributes to the EMB's overall strategic goals, and has a specific budget structure. Linking the budget to the strategic plan in this way makes it easier to determine how effectively funds have been expended to reach each objective, and to determine where and to what extent funding requests may be cut, or need to be increased.

The Process for Budget Formulation and Approval

341. The construction of a budget starts with each EMB division preparing a budget proposal for its work plans. This budget proposal states the division's funding and other resource needs, how its activities meet the output objectives of the strategic plan, and performance indicators. Once activities have been agreed upon at division level, these divisional budgets are reviewed, often by a committee of senior divisional managers chaired by the head of the secretariat or the chief accounting officer of the EMB, to ensure that proposed divisional budgets are realistic and fit a common understanding and prioritization of the EMB's strategic objectives. The head of the EMB's secretariat then amalgamates and finalizes the overall EMB budget estimate: in independent EMBs, the budget then usually has to be approved by the chair or by the members of the EMB. In governmental EMBs, the ministry within which the EMB is located may undertake this whole process.

342. The next step is generally for the head of the secretariat or chair of the EMB to forward the budget to the relevant ministry. In countries where this ministry is required to approve the EMB budget proposal, a formal budget hearing may be scheduled. In India, the EMB and the Ministry of Finance consult together to finalize the EMB budget, although the ministry normally accepts the proposal of the EMB. The South African EMB submits its budget to the legislature via the Department of Home Affairs, but the latter does not have the power to alter the EMB budget. However, the Department of Finance may reduce the EMB budget proposal – as happened in 1999, resulting in the resignation of the EMB chair in protest. EMBs whose budget proposals may not be altered by either the executive or the legislature include those of Costa Rica and Ghana. It is common practice for the Ministry of Finance to incorporate the EMB's budget into the national budget for tabling before the legislature for approval. It may be presented by a member of the legislature, often a minister of the department which represents the EMB.

Availability of Budget Funds

343. The practice in many countries is for the Treasury to release the funds to the EMB in a lump sum after legislative approval has been secured. This applies where the EMB has autonomy over its finances, and often its own banking account, as in Gambia and Macedonia. In some cases, EMB funds are kept and managed by the Ministry of Finance, with the EMB making requisitions for the ministry to pay its creditors and staff, mainly by cheque. EMBs in this category include those of Botswana and Namibia. The budget of the EMB is charged directly to the Consolidated Fund in some countries, for example, Barbados, but there may be significant legal and administrative barriers to be dealt with before such an approach can be implemented in other countries. For governmental EMBs under the Governmental or Mixed Model, funds for electoral processes may be released to the host ministry and disbursed through that ministry, or disbursed directly through the Treasury's bank accounts.

344. EMBs are more likely to use cheques and bank transfers for significant payments, although cash transactions are still used extensively for the payment of temporary staff and in general in post-conflict environments where the banking system has broken down, as in the Democratic Republic of the Congo. In Cambodia, salaries are paid in cash while other transactions are made through bank transfer or by cheque. Other EMBs, such as Australia's, limit cash transactions to small petty cash amounts under strict controls.

Control of EMB Funding

345. Emerging democracies often fail to fund major election processes in an adequate and timely manner. Where EMB expenditure processes and cash flow are controlled by a government ministry and subject to government rules and procedures, there may be delays in the disbursement of critical funds.

346. Delayed disbursement of funds to an EMB can create major problems in electoral administration. It can mean that vital decisions are delayed, or that insufficient time is left for the EMB to use high-probity tender processes or organize the supply of acceptable quality goods for electoral purposes. Late payment to suppliers can cause disruptions to supply in the time-critical election environment. Late payments to staff, as has happened in Cameroon, can also threaten electoral processes. It may be to the advantage of both EMB and government to conclude a memorandum of understanding governing the funding disbursement arrangements.

347. In Russia the EMB may obtain a loan from the private sector if there are delays in receiving state budget funding. The Georgian EMB has a procedure to ensure timely disbursement of funds by the government: it can bring a claim before the Supreme Court if funds are not disbursed in a timely manner.

348. Having a ministry control EMB payments may raise perceptions that the EMB's activities are being controlled by the government, which can threaten the EMB's credibility. Even where an EMB is constitutionally independent of the government, linking it to the government financial payments system can limit its autonomy.

349. Giving EMBs control of their own payments procedures and systems enhances their credibility as being independent of the government, and may lead to faster payment processes. However, it also places an additional workload and a significantly greater burden of control on the EMB to ensure that all payments are made correctly, on time, and to the highest standards of probity. Before assigning control of payments to an EMB, there needs to be certainty that the EMB has sufficient resources, skills and control systems in place to be able to manage its own payments. Robust accountability systems – internally through internal audit, and externally through external audit and reporting to stakeholders such as a committee of the legislature – are essential.

EMB Procurement Policies and Procedures

350. Governmental EMBs under the Governmental and Mixed Models are often bound by government procurement guidelines and practices. EMBs under the Independent Model, and independent EMBs under the Mixed Model, may be bound by governmental procurement requirements (such as those targeted at enhancing probity and effectiveness in procurement), or they may be able to determine some or all of their procurement policies and procedures. In Portugal, the governmental EMB, the Secretariado Técnico dos Assuntos para o Processo Eleitoral (STAPE, Technical Secretariat for Electoral Processes Matters), in general must follow government procurement procedures, but has special dispensations for urgent purchases.

351. Some EMBs have to use a generic government or public-sector purchasing agency for all procurement. In some circumstances, the complexity of purchasing rules means that it is often more effective for the EMB to use such an agency than to undertake this task internally. In other countries where the EMB must use a government-wide purchasing agency, such as Namibia, the EMB may obtain post-purchase approval of expenses or the exemption of some purchases from purchasing agency rules. However, this practice is generally regarded as incompatible with the principles of good governance and efficiency.

352. Using government-wide purchasing agencies may not be effective for EMB procurement, as many government bureaucracies are not able to work to the very short and strict time lines that generally confront EMBs in acquiring electoral goods and services. As a result, EMBs can set up their own internal purchasing boards to manage their procurement independently, as is done in Palestine and in Trinidad and Tobago. If an EMB has its own purchasing board, its control over procurement decisions and timing is increased, but accountability for all procurement now rests with the EMB.

353. Any public or government criticism about the probity or suitability of EMB procurement decisions can very quickly reflect on the overall credibility of the EMB. EMBs need to ensure that their purchasing processes are fully transparent, meet the highest standards of probity, show no favouritism, include a genuinely competitive bidding process, determine the winning bidders on objectively provable grounds, and are free from any taint of corruption. Before assigning control of procurement to an EMB, there needs to be certainty that the EMB has sufficient resources, skills and control systems in place, including an enforceable code of conduct and conflict of interest provisions.

354. Robust checks and review procedures are required for major procurement decisions, as are control measures that are rigorous enough to withstand the pressures of any fast-tracked purchasing required due to late operational decisions or delayed release of funding. The EMB may find that its procurement procedures can be streamlined with no loss of integrity if it sets up pre-qualification procedures which identify earlier in the electoral cycle those suppliers which meet the EMB's qualifications for supplying specific goods or services, and who are invited to tender for these before an electoral event. Pre-qualification procedures must, however, be as transparent and strict as the procurement itself. It is good practice to require bidders for contracts to accept the EMB Code of Conduct.

355. EMBs also need to ensure that their equipment purchases, especially in high-technology areas, are driven by the needs of the EMB, and not the suppliers' need to shift outmoded stock, field test new products, or sell expensive equipment that is over-specified for the task or which may not be maintainable without an expensive maintenance contract with the original supplier. Finding truly independent advice on IT systems can be very difficult, and EMB members and staff may not have the technical knowledge to analyse seemingly appropriate vendor proposals. EMBs have to be clear in their operational objectives about the outcomes that are expected of IT and other equipment or systems purchases, and rigorously and independently test vendor proposals far in advance of the next electoral event to ensure that they can meet these objectives.

EMB Financial Control Measures

356. There are four standard levels of control on EMB financial management – purchase and expenditure approvals processes, internal monitoring, internal review, and external review or evaluation. These controls are necessary to ensure that errors are corrected and corrupt or illegal practices are prevented. The basic level of control is in the EMB's procedures for approvals for purchasing and for authorizing expenditure. Approvals of expenditure up to defined financial limits may often be effectively delegated to secretariat staff with appropriate seniority. The important factor is some diffusion of control, for example, by requiring transaction approvals from each of:

a. the operational area which requests the financial commitment;
b. the finance control area which checks that the commitment is in line with EMB strategic directions and financial policies; and
c. the finance disbursement area which authorizes payment for the transaction.

357. Internal monitoring is applied by the EMB staff who are responsible for managing the EMB's financial resources at all levels. This includes the heads of division who are responsible for monitoring and reviewing staff performance, and managing their divisional budgets. Overall financial monitoring is the responsibility of the division, usually the finance division, which is responsible for managing EMB expenses and financial transactions through accounting records such as general ledgers, journals and suspense accounts. This division usually also controls the entire budget and produces regular financial reports, including cash projections.

358. Some EMBs have a special members' subcommittee on financial matters, which advises the secretariat on financial issues and may also have the mandate to approve the proposed EMB budget and appoint the EMB's external auditors. For example, some of these tasks are undertaken by the Finance, Planning and Logistics Committee of the Kenyan EMB, which includes both EMB members and secretariat staff. In Palestine and in the Solomon Islands, expenditures above a specified amount must be approved by a full meeting of the EMB. This can be a wise method of controlling expenditure, although the work of the EMB will be hampered if the limit is too low.

359. The EMB may also have an internal auditor, a member of the secretariat whose objective is to ensure financial regularity and the alignment of the EMB budget and staff performance with the strategic direction of the EMB. To maintain the independence of internal audit, it usually reports directly to a member of the EMB or the head of the secretariat, rather than through a division of the secretariat. While a primary function of internal audit is to provide assurance to the EMB of the accuracy and integrity of its financial management, it can also play a wide internal development and evaluation role within the EMB. It can advise on the audit requirements of systems, especially those based on new technology, and can provide impetus for change through the reports of internal evaluations of the EMB's operational processes.

360. The financial control process also includes external audit. External audits are usually required at least annually and often after significant electoral events as well. Audits of electoral processes in governmental EMBs under the Governmental Model and component governmental EMBs under the Mixed Model may not be separate audits, but part of the external audit of the host department. External audits may be done by a government audit agency (if this exists) or by a private contractor, which examines the EMB's financial transactions for the relevant period and reports on whether they were free of irregularities, and also identifies areas of financial management where improvement is required.

361. The final stage of financial control includes public submission, often to the legislature, as in Guyana and Nigeria, of the EMB's election or annual reports and audited financial statements. Accountability mechanisms for EMBs are discussed in detail in chapter 9 of this Handbook.

Asset Management

362. EMB assets are public property, so the EMB has a responsibility to protect their value by controlling all assets – equipment, materials, and other assets such as software – after purchase. Responsibilities for asset management need to be clearly identified in the EMB's structure and staff job descriptions. Donors may also wish to ensure that an EMB has the capacity to take over the management of assets they provide.

363. Basic controls on an EMB's assets include placing an EMB identification number on each item, maintaining comprehensive and up-to-date asset registers, ensuring that there are audit trails for transfers of assets, implementing regular stocktakes of assets, and investigating and

enforcing appropriate sanctions over any discrepancies found. Stocktakes need to be conducted at least annually. Asset registers need to record all relevant data, including asset name, serial and ID numbers, purchase date and cost, current location and location history, depreciation data, current value, current condition, last stocktake date and disposal information.

364. When purchasing assets, EMBs need to have a clear concept of their life cycle. Timing of asset purchases is critical for ensuring both the efficient use of funds and the availability of assets for electoral events, and needs to consider issues such as production lead times, storage costs and distribution facilities. For example, in Canada the EMB ensures that it always has sufficient special paper stocks on hand to print ballot papers for one national election, as in Canada elections may be called at any time.

Records Management

365. Archiving of EMB materials is important to protect the institutional history and memory of an EMB, and to ensure that reference materials are available when required. Archiving policies need to include requirements for document security, for the structure and locations of current hard-copy and electronic file records (including electronic file back-up policies), for the preservation, on or off site, of historical records, and for the timing and manner of disposal of records that are no longer required. Clear archiving, disposal, and/or destruction plans for all EMB equipment and materials are necessary, and are especially important to ensure that electoral materials that could be used in future legal proceedings or for research to improve electoral processes are appropriately preserved. Environmentally sound methods of disposing of unwanted assets – for example, the packaging for used registration kits in Cambodia in 1998 – are a good practice.

Principles for EMB Financial Management

366. The requirements for key EMB financial processes, such as budgeting, procurement, expenditure authorizations, financial reporting and auditing, may be contained in law, accounting and financial reporting codes, or EMB or government regulations. A clear legal framework for the management of EMB finances ensures certainty, regularity and consistency, and fosters good governance within an EMB. As well as the legal framework, there are fundamental principles which are the basis of good practice EMB financial policies and procedures.

Transparency

367. Financial transparency raises stakeholder and public awareness of the EMB's structures and programmes, financial policies and challenges, and can foster stakeholders' confidence in the EMB's capacities. Financial transparency promotes good governance and serves as a strong deterrent to corruption and fraud within an EMB. When there are allegations of bad or

dishonest practices, the EMB can better protect its credibility by rigorously exposing, rather than seeking to hide, such practices, including ensuring that whistle-blowers are protected.

368. Transparency in the preparation, justification and approval of an electoral budget builds public confidence in the management of an EMB. Rigorous public scrutiny and accountability through the legislature provide the EMB with the opportunity to show publicly its commitment to financial integrity. It is good practice for an EMB to be transparent in its procurement practices, especially where fast-track methods have to be used to meet electoral deadlines.

369. Prompt public disclosure of the results of audits of an EMB's financial accounts and of reports on the awarding of contracts guards against financial irregularity and corruption or patronage in contracting. The most fundamental way in which an EMB can promote financial transparency is by publishing its annual performance reports, including audited financial statements, and submitting these reports to the legislature and other stakeholders, including the political parties and the general public.

Efficiency and Effectiveness

370. As a guardian of public funds, an EMB has an obligation to expend these responsibly and to manage its financial, human and material resources in an efficient and cost-effective manner. An outcome-based approach to the EMB's budgets, regular monitoring of staff performance, and regular auditing of financial records assist in promoting efficiency and effectiveness in the use of an EMB's funds. This can contribute to enhanced public confidence in the EMB's management of electoral processes.

Integrity

371. The commitment of all EMB members and staff to integrity in their conduct underlies the organizational integrity of an EMB. Integrity in financial management covers not only monetary transactions but also issues such as respect for intellectual property. The development of integrated financial management systems with clear audit trails enables breaches of financial integrity standards to be discovered and reported. Strong codes of conduct and policies on conflicts of interest promote integrity. A strict regime of sanctions for breaches of integrity requirements, and fearlessness in using them, will enhance public confidence in the EMB.

CHAPTER SUMMARY

- New technologies and demands for high-integrity and widely accessible elections are placing new demands on election funding, and leading to reliance on donor funding in some emerging democracies. EMB funding needs vary significantly between years, requiring accurate budget estimations based on resource needs for planned strategic outcomes.

- The UNDP- and IFES-sponsored Cost of Registration and Elections (CORE) Project divides electoral costs into three categories:

  a. core (or direct) costs – 'normal' directly attributable electoral costs;
  b. diffuse (or indirect) costs – support costs hidden in budgets of organizations other than EMBs; and
  c. integrity costs – additional costs required to secure the integrity of fragile electoral processes.

- Election costs are measured with different levels of comprehensiveness and under different circumstances in different countries, making cost-effectiveness comparisons difficult.

- State budget funding for elections may be from a single source or multiple sources and for a single institution or multiple electoral institutions. Where electoral budgets are proposed by an EMB, they must in most cases be approved by the legislature and disbursed to the EMB through a government ministry, although this may affect perceptions of the EMB's ability to act independently and in a timely manner.

- Especially in emerging democracies, a large proportion of electoral funding may come from donor agencies. While donor assistance can have a positive impact on election technical standards and integrity, it needs to be carefully targeted at EMB priorities, to be coordinated between donors and the receiving country, to promote sustainability rather than donor dependence, and to be subject to appropriate controls that allow the EMB to make effective use of the funds.

- EMBs variously use baseline budgeting (based on historical allocations of funds) or zero base budgeting (based on future activity required to meet strategic objectives) for electoral budgets. Zero base budgeting may initially require more skill and effort, but allocates resources more effectively and ties EMB activities and performance more accountably to the objectives of the EMB's strategic plan.

- Having an EMB control its own expenditure processes and cash flows enhances its credibility and may assist in the timely disbursement of electoral funds. However, EMBs must then have sufficiently rigorous controls on expenditure and payments to prevent error and fraud.

- In some complex purchasing environments it may be preferable for an EMB to use a public sector-wide procurement agency. In most cases, however, the EMB can better meet the tight deadlines for electoral procurement by managing its purchasing independently, subject to its having sufficient resources, skills and internal controls to ensure integrity and value for money in procurement. Necessary controls include enforceable conflict of interest polices and codes of conduct, and measures to ensure that purchasing decisions are not vendor-driven.

- EMBs need to institute graduated levels of financial controls, such as diffused approvals of procurement and disbursements, work-unit and EMB-wide internal financial monitoring, and regular internal and external financial audits.

- EMBs hold public assets and are accountable for their use, their safe keeping, and appropriate archiving or disposal at the end of their useful life. Professional asset management systems, including regularly checked asset registers, and archiving policies that protect an EMB's institutional memory are necessary.

- The financial management of EMBs needs to follow the principles of transparency, efficiency, effectiveness and integrity.

CASE STUDY: India

India: The Embodiment of EMB Independence

Vijay Patidar and Ajay Jha

The Election Commission of India (ECI) is widely regarded as a model of an independent EMB. It may be even more appropriate to describe it as a 'fiercely independent' EMB. In 1948–9, the founding fathers of the Indian constitution, while debating the position of the election commission in the Constituent Assembly, ensured that the body responsible for conducting elections in independent India should be a distinct one, separate from the government of the day, and that it should have ample financial and administrative autonomy to conduct its affairs. A combination of the well thought-out, broadly worded provisions contained in article 324 of the Indian constitution, a supportive judiciary, active media and Indian public opinion, coupled with the stature and independent attitude of some of the individuals who have headed the election commission, has resulted in the independence and reputation that the ECI enjoys today.

The Legislative Framework Governing Elections and the EMBs

In addition to the fundamental constitutional provisions, there are two important basic statutes that provide the legal framework for elections. They are known as the Representation of the People Acts, the first passed in 1950 and the second in 1951. The first provides for the basic requisites for elections, such as the allocation of seats for the legislatures at national and state level, the delimitation of electoral boundaries, and the preparation of the electoral registers. The second lays down detailed provisions for the actual conduct of elections. It includes the qualifications for standing as a candidate for different public offices, the rules for registration of political parties, and the procedure for dealing with electoral disputes.

Once the election machinery is set in motion, the electoral process is subject to the administrative supervision of the ECI, and no court of law can stop the process. Only after an election is concluded can an election petition be presented to the High Court. The ECI itself enquires into any allegations of procedural irregularity or violations of the electoral law. This procedure has ensured that the electoral process can be completed on schedule, without getting bogged down in judicial hearings.

To supplement the various provisions of these two statutes, detailed procedures are contained in the Registration of Electors Rules 1960 and the Conduct of Elections Rules 1961, including the instructions and forms to be used on polling and counting days.

The ECI, after consultations with all the political parties, has published a model code of conduct. This code has no legal basis and derives its legitimacy from the consensus of the political parties. It is an attempt to bring about a level playing field where the governing party is prevented from misusing the state machinery to the disadvantage of opposition parties. The ECI has done an excellent job of enforcing its provisions and reining in the governing parties during election periods. At times it has used this code to postpone elections in certain disputed electoral districts in the face of gross violations of the code of conduct.

Institutional Structure

India is a federal polity of 28 states and five union territories. At national level, the Union Parliament has two houses, the lower or popular house, the Lok Sabha, and the upper house, the Rajya Sabha. In addition, each of the states has at least one elected house, the Legislative Assembly, and some of the larger states also have a second house, the Legislative Council. The Indian constitution entrusts the responsibility to conduct elections for all these legislative bodies, at both federal and state level, to the national election commission.

In 1992, through the 73rd amendment to the constitution, a third tier of governance was introduced – district-level bodies (panchayats), which are India's institutions of local self-government. Elections to panchayats are entrusted to the state election commissions, which are separate entities.

Initially, there was a single chief election commissioner. However, the size, complexity and responsibility of the task led to the introduction briefly in 1989 and then from 1993 onwards of a three-member ECI. The president appoints the chief election commissioner and election commissioners. They have a term of office of six years, or up to the age of 65 years, whichever is earlier. They enjoy the same status and receive the same salary and other benefits as judges of the Supreme Court of India. The chief election commissioner can be removed from office only through impeachment by Parliament. Impeachment can take place on two grounds only – proven misbehaviour or incapacity – and requires an elaborate procedure which is also prescribed for the removal of judges of the Supreme Court and the high courts. Other election commissioners cannot be removed from office except on the recommendation of the chief election commissioner.

The ECI exercises total control over the entire election machinery, even though the members of the electoral machinery are not its employees. India has the tradition of a neutral civil service. The key officials at state level are the state chief electoral officers, who are selected by the ECI from a shortlist of federal civil servants posted to the state drawn up by the state government. State chief electoral officers may not be dismissed without the approval of the ECI at national level.

However, the main electoral activity takes place in the 500-odd districts, with an average of 1.3 million registered voters in each district. The office of district magistrate (also known as district collector or deputy commissioner in some parts of India) – an office created by the British – plays the pivotal role for the ECI. As district election officer, the district magistrate performs key electoral duties as the team leader of all district and sub-district level officials. All these officials are legally deemed to be on secondment to the ECI and come under the supervision, discipline and control of the ECI for the duration of an election.

In addition to about 5 million polling staff for about 700,000 polling stations, the ECI demands and gets from the government the services of senior officials who have worked earlier as district election and returning officers to act as electoral observers on its behalf. The ECI thus has immediate access to a large number of impartial and experienced observers without

having either to employ them permanently or to pay them. The observers are provided for in the Representation of the People Act of 1951 by an amendment inserted in 1989. By law they are to be officers of the government (federal or state) and they are vested with the power to stop the count if they are of the opinion that some malpractice has taken place. However, they have to report this to the ECI immediately and then follow the directions given. In practice, the ECI has also empowered them to intervene in several matters, especially the deployment of police forces on voting day, locating polling stations in areas inhabited by weaker and poorer sections of the people, and deciding on re-polls in cases of violence, alleged rigging and so on. Over time the institution of observers has developed into a formidable tool in the hands of the ECI to regulate elections in the field, acting as the eyes and ears of the commission and proving to be another important institution in ensuring the independence of the election machinery in India.

Powers and Functions

The ECI performs routine functions, such as voter registration, deploying and training election officials, printing ballot papers, conducting the actual voting, counting the ballot papers, and declaring the election results. In addition, it allocates free time on the state-owned electronic media to the different national and state parties during the campaign period.

The ECI is not responsible for the delimitation of electoral boundaries: the constitution provides for a separate Delimitation Commission, headed by a sitting or retired judge of the Supreme Court. One of the election commissioners is nominated to be a member of this body. However, because the ECI has the institutional memory and provides secretarial support, it plays an important role in the delimitation process.

The ECI is the watchdog of election expenditure. It appoints financial observers through whom it very closely monitors the expenditure of the candidates during the election campaign period. This has successfully reduced illegal expenditure at election time in India.

The ECI has the power to order a re-poll at polling stations where irregularities have been observed – or indeed in a whole electoral district – if the situation so demands. It may also adjourn any poll for a few days.

Provisions to regulate political parties were originally absent from the electoral law and were introduced only in 1989, giving the ECI the responsibility for registering political parties. Initially, the procedure for registering a political party was quite liberal. Any association or group of persons seeking to form a political party had to apply in a prescribed form giving certain information. This simplified procedure prompted many people to register parties which then existed only in the records of the ECI. To curb this tendency and to facilitate the formation of serious parties, the regulations were tightened, to require that at least 100 members of a proposed party have to give details of their voter registration and swear individual affidavits that they are not members of any other party. The ECI has also prescribed a fee of 10,000 rupees (INR) for registering a new party.

Financing

It is a mark of the ECI's independence that it has not faced any major funding problems. With a staff of about 300 officials at the federal level, it is funded by the government budget through the Consolidated Fund. This pays for staff, technical operations and various office expenses, including the cost of acquiring electronic voting machines (EVMs). However, the

greater part of the expense is borne by the state governments – for example, for staff at the state headquarters and in the districts, the printing and transport of ballot papers, preparing and printing the electoral registers, procuring material for the conduct of elections, training, the salaries of election officials and of security forces deployed for elections, and the expenses of central election supervisors. The cost of time on the state-owned media is borne by the government as the parties are given this time free. The broad powers given to the ECI by the constitution have been liberally and boldly interpreted to make the government pay for any necessary expenses.

The ECI's accounts are subject to audit by the Comptroller and Auditor General and its report is tabled in the Parliament. This ensures the financial accountability of the ECI, and has worked smoothly.

Electoral Reforms

Although no formal procedure exists for proposing electoral (and consequent legislative) reforms, the ECI does have some role in this regard. It has put forward a number of proposals for electoral reform which are sent to the Law and Legislative Affairs Ministry and to the prime minister directly. Many times, to bring pressure on the government and encourage public debate, such proposals are also simultaneously discussed in the media. Calling a meeting of all political parties to create consensus is another effective method used by the ECI. The model code of conduct was adopted through this mechanism. Some important reforms have recently been instigated through the mechanism of public interest litigation, through which an NGO or public-spirited person raises issues before the Supreme Court or the high courts.

Modernization of the Electoral Procedures

The Election Commission, after initial hesitancy, has actively and successfully promoted the application of information technology to elections as a way of handling the mammoth scale of elections in India. Each registered voter is issued with a photographic ID card to enable him/her to vote freely, and at the same time to prevent fraudulent and multiple voting. Copies of the electoral registers are made available to the political parties on CD-ROM for checking and for use on election day. Through the use of computers at over 400 vote-counting centres, the results of the count are processed instantly and made available.

Another technological innovation has been the use of EVMs at all polling stations. Although initially reluctant because of political parties' apprehensions about possible tampering and suspicion among voters resulting from widespread illiteracy, the ECI has actively promoted the use of EVMs. Their use at all polling stations in 2004 meant that the results were available within hours of the count starting.

CASE STUDY: Bosnia and Herzegovina

Bosnia and Herzegovina: A Success Story for the Independent Model

Domenico Tuccinardi

The signing of the General Framework Agreement for Peace (GFAP, or Dayton Accords) in Paris on 14 December 1995 put an end to four years of civil war in the territory of the former Federal Yugoslav Republic of Bosnia and Herzegovina. The GFAP recognizes Bosnia and Herzegovina (BiH) as a sovereign parliamentary state made up of two entities, the Federation of Bosnia and Herzegovina and the Republika Srpska. Annex III of the GFAP mandated the Organization for Security and Co-operation in Europe (OSCE) to organize and conduct the 1996 general elections and establish an independent Provisional Election Commission (PEC). The PEC was established as an autonomous body including seven national commissioners, but the final decision-making powers rested entirely in the hands of the head of the OSCE Mission to BiH in his capacity as chair of the PEC. The PEC, authorized by the GFAP to operate on the basis of provisional 'rules and regulations', administered the first six elections that took place in the country up to 2000.

The Legislative Framework

The Election Law adopted by the Parliament on 23 August 2001 finally brought the electoral legislation of BiH under the country's own domestic law. However, the unique and transitional legal framework of BiH is still regulated by a supranational structure which has at its peak the GFAP, of which the BiH constitution is an integral part (annex IV of the GFAP). Under this structure, the ultimate authority remains with the international community, and in particular with the high representative, the international figure appointed to monitor, coordinate and facilitate the implementation of the civilian aspects of the GFAP. The adoption of the Election Law of BiH concluded a long and troubled four-year process overseen by the Office of the High Representative (OHR) and the OSCE. Remarkably, it was the first crucial piece of legislation adopted by the BiH Parliament through its normal procedures and not imposed by the high representative. It provided for the establishment of an independent central EMB, and in November 2001 the first Election Commission (EC) was appointed.

The Election Law provides for all the necessary elements for democratic elections, although the electoral system it establishes is highly complex. Five very different systems of representation are used for the five institutional and administrative levels of the country (this includes Brcko

where a special regime, under the Republic of Bosnia and Herzegovina, is in place) and specific quotas are introduced to ensure appropriate representation of all ethnic groups in all state and entity institutions.

Institutional Structure

The EC is composed of seven members, with two representatives for each of the three constituent peoples (Bosniacs, Croats and Serbs) and one representative of the 'Others'. The members of the EC are appointed by the Parliament for a five-year mandate, renewable for a second term, and the chair rotates among its members every 15 months. The EC is serviced by a Secretariat, headed by a secretary general who is the chief executive officer. It comprises six divisions, and has a total of around 40 permanent staff. After the appointment of the EC, the OSCE transferred its most experienced national staff to the Secretariat of the EC. From the beginning of 2003, all EC staff came under the national payroll.

The Election Law also established an Election Complaints and Appeals Council (ECAC), which has powers to adjudicate on disputes over violations of campaign rules and campaign financing irregularities. It consists of five members – one representative of each of the three constituent ethnic groups and the 'Others', and one member of the EC. The EC reviews all ECAC decisions and the EC Secretariat supports its work.

At the level of the two entities that make up the Bosnian state, two election commissions have recently been established. In addition, within the Federation of Bosnia and Herzegovina, each canton administration appoints its own election commission. However, the role of these intermediary commissions remains rather marginal and is essentially a monitoring one.

Finally, the municipal election commissions (MECs) have the functions of organizing electoral activities, including voter registration, within their respective municipalities.

Powers and Functions

The EC is vested with the power to issue regulations on all aspects of the electoral process, to maintain and update the central electoral register, to register parties and candidates, and to implement all levels of elections from the national to the municipal. More importantly, the EC has the power to coordinate, oversee and regulate the activities of all other election commissions provided for in the complex political and institutional set-up of BiH. The EC has proved so far to be a truly independent body, and has gained 'on the ground' a higher authority than originally envisaged.

The EC is also empowered to audit political party finances well beyond the election campaign periods, and has been given vast powers to investigate public officials, sanction them and remove them from their elected or appointed positions when a conflict of interest is proved.

Financing

The EC is financed by the national, entity, cantonal and municipal budgets. Their respective shares vary according to the type of election to be held. There are no clear provisions on how the disbursement mechanisms should function, and this has been a source of continuous disagreement and friction. To date, full funding for the EC has come only after strong pressure

from the international supervisors of BiH. Given the recent history of international support for elections, there is still a lack of appreciation, especially at the municipal level, that elections have now become a completely internal matter that must be funded by the domestic authorities.

Accountability

The EC is accountable to the Parliament of BiH, to which it submits an annual report of its activities. Its tendering, procurement and disbursement procedures have been established in compliance with the national legislation. The State Audit Commission audits the EC's expenditure regularly.

The Professionalism of Electoral Officers

A successful OSCE programme for the relocation of its national electoral staff to the EC ensured the rapid and effective transfer of knowledge that allowed the smooth running of the 2002 elections. However, the lack of appropriate transitional employment policies and rules caused the departure of many experienced staff in 2005. The recruitment and training procedures set out for the EC by the BiH Agency for Civil Service have proved so far to be too cumbersome and obsolete, and do not guarantee the conservation of the necessary levels of professionalism.

At the municipal level, some serious problems remain in ensuring that MEC members are properly qualified and sufficiently independent.

Relations with the Media

The EC enjoys very good relations with the media. Its sessions are always open to the media and observers, and are regularly followed by press releases. The Commission Regulatory Agency (CRA), the body that regulates the behaviour of the media in the country, has jurisdiction over all violations of the election law by the media, but the EC has the power to issue regulations on media coverage of political actors during the election period. The two agencies hold regular and transparent coordination meetings.

Relations with Other Institutions and Agencies

The creation of an independent and sustainable EC was a lengthy and complicated operation engineered by the international supervisors of BiH. The perception of the EC being an 'international' creation, together with its need to become operational immediately to run its first elections less than a year after it was set up, generated some initial criticism and boycotting in minor ways by other state agencies and ministerial offices. The EC faced the challenge with great energy and enthusiasm, and managed quickly to garner the respect of all stakeholders, especially the political parties.

Electoral Reform Management

The EC does not have the power to amend the Election Law, but it can recommend and draft amendments for parliamentary review and promote the setting up of ad hoc working groups on electoral reform with the government. While certain political actors still remain opposed to many of the complex formulae used to translate votes into seats, and are advocating changes, none of them has so far been able to propose new systems of representation that could be accepted by all the forces present in the Parliament and give equal protection to the interests of all the ethnic groups.

Sustainability

The first great achievement of the EC was to bring down the costs of elections to very affordable figures which are in line with those of other democracies of similar dimensions. However, a serious lack of appreciation remained on the part of many of the country's institutions regarding the challenges connected with the organization of elections in general, and in particular of the extraordinary complexity of the tasks the EC faces. This is reflected in a persisting reluctance to meet the EC's funding and procurement needs in a timely fashion.

The EC has already firmly established itself as a central asset in the BiH system, and is viewed as an example of how a central and multi-ethnic institution could impartially serve the different groups and interests present in the country. However, it is still a very young institution requiring international support to preserve its independence and impartiality.

The major sustainability problem facing the EC is the hiring and retaining of experienced and qualified personnel. Many of the procedures put in place by the EC rely in practice on sophisticated IT solutions. While this was a necessary move to rationalize operations and reduce costs, they require a very high level of specific technical expertise that is not found in any other sector of the BiH public administration. To guarantee the recruitment and retention of highly qualified and neutral IT professionals, the EC needs to be able to choose more freely the professional profiles that best meet its IT requirements and adopt competitive salary scales. Otherwise, the long-desired absorption of the EC within the BiH institutional framework might cause the lowering of the very professional standards that made the EC an example to be followed.

The second important issue of concern is the relationship between the EC and the MECs. The professionalization and depoliticization of most MECs has not been achieved. This might be remedied if the MECs were brought clearly under the EC chain of command, with the possibility for the EC to dismiss incompetent and biased MEC members. Under this framework, the other intermediate election commissions would continue to play a supervisory and guarantee role.

Chapter 8

Chapter 8

Stakeholder Relationships

Who Are the Stakeholders and What Is Their Role in the Electoral Process?

372. The stakeholders of an EMB are those individuals, groups and organizations that have an interest or 'stake' in the EMB's operations. They can be classified either as primary stakeholders, who directly affect or are directly affected by the EMB's activities, policies and practices, or as secondary stakeholders, who have a looser connection with the EMB's activities. Genuine and open dialogue with stakeholders can contribute to confidence in the electoral process and trust in the EMB's activities.

Primary Stakeholders

373. Primary stakeholders include the following groups:

a. political parties and candidates;
b. EMB staff;
c. the executive branch of government;
d. legislatures;
e. electoral dispute resolution bodies;
f. the judicial system;
g. election monitors and domestic and international election observers;
h. the media;
i. the electorate – voters and prospective voters;
j. civil society organizations; and
k. the donor community and electoral assistance agencies.

Political Parties and Candidates

374. Political parties and candidates are key stakeholders whose concerns and interests an

EMB needs to consider when designing and implementing policies and activities. Unless the EMB enjoys a good relationship with, and the confidence of, political parties, its policies and programmes will attract criticism that will make it difficult for the EMB to enjoy widespread stakeholder support. Where political party nominees are appointed as full members of an EMB, as in Georgia, or as non-voting members, as in Mexico, there is a permanent structure for EMB dialogue with the political parties.

375. Political parties and candidates are more likely to have confidence in an EMB that maintains an open-door policy to them, that treats all political parties and candidates with respect, impartiality and fairness, and that considers their opinions and suggestions. It is important that all political parties believe that they are being treated equitably and are offered the same opportunities and information by the EMB. Regular meetings with political parties – at least one per month and more frequently during an electoral period – can provide a framework for reciprocal communication and can promote acceptance of the EMB's timetables, processes and outputs.

376. EMBs in countries such as Canada, the Democratic Republic of the Congo, Ghana, Lesotho and South Africa have such arrangements. In South Africa, the law requires the EMB to set up political party liaison committees at all levels of government, from national to local level, and in Mexico political parties' non-voting membership of the EMB serves a similar purpose. Other countries, such as Liberia in 2005, have instituted consultative structures although they are not legally required to do so. It is preferable for the EMB to meet all the political parties at the same time to discuss its decisions or policies, not separately. Minutes of these meetings need to be provided to all political parties, whether they have attended or not.

377. As well as these regular meetings, an EMB may be able to improve its relationships with the political parties by including their representatives in EMB-sponsored events. Examples of joint activities are familiarization visits to voter registration facilities, participation in voter education and information workshops, joint media interviews, or the EMB sponsoring public debates between candidates. Equal opportunity for participation should be given to all political parties and candidates.

378. It is important that political parties are involved in consultations about setting an EMB's strategic objectives and in evaluations of its performance. As key EMB customers, political parties' and candidates' opinions on the EMB's focus, priorities and service are a useful ingredient in improving electoral management. After each electoral event it is useful for the EMB to include political parties in general consultations with stakeholders on how to improve the electoral framework, and to consider them in any proposals the EMB may make for electoral reform.

EMB Staff

379. An organization's greatest asset is its human resources – permanent and temporary staff, and those hired on contract. Unless an EMB safeguards the interests of its staff and responds to

their concerns, it may well fail to deliver successful elections. Staff that are not loyal to the EMB and its principles may frustrate the EMB's programmes. They may be corrupted by suppliers who want to win a tender or by politicians who want to win an election. Unhappy staff may strike, even during elections, and thus derail the electoral process.

380. An EMB cannot assume that its staff will be loyal and automatically share and work hard towards implementing the EMB's values: it needs to support and generate this loyalty and professionalism. It needs to treat all employees with honesty and fairness; provide competitive salaries and conditions; recognize the need for career opportunities; acknowledge staff achievements; provide a safe working environment; ensure equal opportunities; foster a culture of cooperation, teamwork and trust; train and develop staff to enable them to enhance and diversify their skills; and involve staff in the organization and planning of their work.

> The EMB needs to make a determined effort to support its staff, instil in them the values of professional electoral administration, and respond genuinely to staff needs.

381. EMBs under the Governmental model and other EMBs which are staffed by public servants may be bound by public service-wide regulations and policies that may restrict the EMB's ability to deal in the most appropriate manner with its staff stakeholders. In such EMBs, the relationship with the staff may be more dependent on the EMB management's attitudes to staff than on the ability to provide material benefits.

The Executive Branch of Government

382. There are many reasons for an EMB to promote sound relations with the executive branch of government. The Treasury or Ministry of Finance is often responsible for the EMB's budget. EMBs under the Governmental model need to work within the confines of a line ministry and may need to maintain close relationships with local authorities implementing electoral processes. In many cases, an EMB relies on government ministries (and regional EMBs similarly rely on local authorities) for transport and other electoral logistical support, such as premises for polling stations, and on staff seconded from various government agencies to serve as election officials. Approvals from government purchasing agencies or import licensing agencies may be required for essential procurement. EMBs may be subject to audit by the state audit authority, and may also be required to respond to inquiries from the ombudsperson or the anti-corruption agency. An EMB relies on the police force for security and, in some countries, may rely on the armed forces for security and some transport services during electoral events.

383. Cooperation and coordination will be enhanced if an EMB strives to keep all relevant government ministries and agencies informed about its activities and to consult with them on a regular basis about the services and support it may require from them. It can be useful for there to be a permanent working group or liaison committee involving the EMB and the government

agencies on which the EMB relies for the provision of resources for electoral events. For independent EMBs, a ministry, such as the Interior Ministry or Ministry of Justice, may be the EMB's 'liaison' ministry for representations to the Cabinet or the legislature, as in Canada.

384. It is essential that the EMB maintains good liaison with whichever department is responsible for vetting its budget requests and releasing EMB funding, in order to ensure that this department is familiar with the EMB's programmes and the time-critical nature of its funding requirements. For a good relationship, it is important that the Treasury or Ministry of Finance has confidence in the budgeting, accounting, financial control and reporting systems used by the EMB.

385. Arrangements for the chair or members of an EMB to make courtesy calls on government leaders, which may include the head of state, to create awareness about the programmes of the EMB and the challenges it may face, such as legislative, financial or logistical constraints, will raise the EMB's profile with its executive branch of government stakeholders.

The Legislature

386. EMBs need access to the legislature to ensure that their views are considered in developing electoral legal frameworks and electoral resource allocations, and to obtain feedback on their performance from an important stakeholder. This access can be facilitated by having a formal point of contact in the legislature: for example, in Australia this is a special standing committee of the legislature, while in Namibia it is the speaker of the legislature. In the Solomon Islands the speaker of the legislature is also the chair of the EMB.

387. The legislature is the body usually responsible for making laws, including electoral laws, and it may also approve the government budget and scrutinize all public accounts, including those of EMBs. In many countries the EMB is required by law or convention to submit election reports and also annual reports to the legislature. Maintaining a good relationship with the legislature enables an EMB to put forward its budget proposals and reports knowing that they will be dealt with by a body that has some understanding of its activities.

388. In Costa Rica and Uruguay, the EMB has the power to place amendments to the electoral law on the agenda of the legislature. Canada and Palestine are examples where the EMB may make recommendations for amendments to electoral laws, although this is done by a line ministry or a government office in many other countries. Recommendations regarding amendment to the electoral law are also a major part of the remit of the UK Electoral Commission, which does not have responsibilities for the organization of elections – although it acts as an EMB for referendums (see the case study). EMBs may play a particularly important role in the development of the electoral legal framework in emerging democracies. It is advisable for an EMB to liaise with the legislature to sensitize it about electoral reform needs and the importance of amendments to electoral laws being passed long enough before an electoral event to allow the EMB to make appropriate preparations. There are numerous examples of delays in law-making which affected electoral performance, as in Malawi in 1997, arising from lack of

understanding or cooperation between the legislature and the EMB or between the legislature and the head of state.

Electoral Dispute Resolution Bodies

389. An EMB may have to deal with electoral dispute resolution bodies that have powers to deal with issues such as challenges to EMB decisions, disputes between the EMB and other stakeholders, the legality of the content of EMB regulations, or challenges to election results. These may be judicial, quasi-judicial or less formal conciliation bodies. Their decisions can greatly affect the activities and public perceptions of the EMB.

390. General openness with these bodies – including ensuring that they are well informed on all EMB activities and decisions through regular meetings, receive all EMB publications, and are invited to inspect EMB operations – can assist in maintaining a good relationship. This needs to be done in a manner that does not, and does not appear to, impinge on the independence of decision making of either the EMB or the dispute resolution body.

391. It is of critical importance that an EMB is professional and cooperative in any investigations of electoral disputes by these bodies. It will be difficult to maintain a good relationship if the EMB is obstructive of a dispute resolution body's access to relevant electoral materials or sites, if it lobbies to limit the powers of such bodies, or if its presentation of evidence on disputes is not professional.

Judicial Bodies

392. Many components of the judicial system may interact with EMB activities. EMBs may need the cooperation of the police and prosecuting authorities in investigating alleged electoral offences, and to appear before the criminal justice or administrative court systems for any resulting court action. The EMB, its members or its staff may be subject to judicial investigation or civil litigation, and EMB administrative policies and practices may be subject to challenges in tribunals. As with relationships with electoral dispute resolution bodies, it is extremely important that the EMB is professional, accessible and cooperative in its dealings with the wider judicial system.

Election Monitors and Domestic and International Election Observers

393. It is important for an EMB to create and sustain a good relationship with election monitors and observers. Both election monitors (who have power to intervene and rectify any shortcomings in the electoral process) and domestic and international election observers (who do not have powers to intervene and must only report what they have seen) can be critical players in the electoral process. EMBs need to put in place simple accreditation procedures and adopt effective and timely accreditation mechanisms.

394. An EMB can organize and/or participate in observer pre-election briefings, some weeks before voting day, for longer-term observers and observation planning teams. A further round of briefings could be arranged some days before voting day, whenever most domestic and short-term international observers are ready for deployment. It is increasingly common for EMBs to invite political parties and representatives of civil society to attend observer briefings so that they can brief observers about their impressions of the EMB's preparedness for elections. Observer briefing packs prepared by an EMB can also assist observers in their understanding of the election's framework and operational processes.

The Media

395. The media, both print and electronic, public and private, can be a key ally of an EMB in informing the public about its mandate and operations as well as informing and educating voters about democracy and elections. People who read newspapers, watch television and listen to the radio regularly tend to inform others about what they have read, seen or heard.

396. An EMB needs a media relations strategy that promotes regular positive contact with the media and ensures that the media have access to accurate electoral information – including on EMB activities. If an EMB does not promote a transparent relationship with the media, there is a greater risk that incorrect information that may undermine its credibility will be published.

397. Elements in implementing a media relations strategy for any EMB would include:

a. identifying the relevant media and their coverage;
b. identifying the key people in the various media who can ensure accurate and prominent reporting of the EMB's activities;
c. being proactive and transparent in releasing information to the media;
d. ensuring that the information given to the media is clear and easily understandable;
e. developing a timetable for providing electoral information;
f. creating one EMB spokesperson for the media and one point of administrative contact within the EMB for the media; and
g. setting up a media centre within the EMB.

398. Some specific activities that will assist an EMB in its relations with the media include:

a. facilitating training programmes for journalists;
b. issuing regular media releases on electoral issues;
c. organizing regular media conferences;
d. having a readily accessible EMB media liaison officer;
e. preparing a media information handbook on each electoral event;
f. conducting media briefings on technical electoral issues; and
g. making electoral data easily and freely accessible to the media.

399. Media conferences could be at least weekly during electoral periods and when the need arises at other times. It is advisable for an EMB to establish a full-time unit to assume responsibility for media relations and to appoint a person, preferably someone with a solid media background and who is respected in media circles, as its spokesperson.

400. EMBs may also need to deal with the media on a commercial basis, in relation to electoral advertising, or on a regulatory basis, if an EMB has functions in regulating political campaigns. Maintaining professionalism and probity in these relationships will assist in creating a positive atmosphere for the media's reporting of electoral activities.

The Electorate

401. An EMB primarily exists to render services to the electorate – not only those who regularly vote, but those who are entitled to vote. Given the many and wide-ranging tasks an EMB performs on behalf of voters, it needs to keep the electorate informed about its activities and programmes, and seek its views on EMB processes and performance. It is wrong to assume that, since political parties, civil society organizations, the legislature and the government are the institutions which by and large represent the electorate, an EMB need only deal with these institutions and can ignore individual voters.

402. An EMB can profit from creating direct channels of communication with the electorate. Potential means include telephone inquiry services; public inquiry desks and suggestions boxes at locations such as markets, shopping precincts or transport hubs; and interactive radio and television programming and 'town hall' type meetings featuring EMB members. Publicizing a list of EMB contact persons and their contact details on a regular basis is always a valuable service. In India, the EMB publishes a directory of contact details at national level on its web site within the information published under the Right to Information Act, and senior staff at state level are appointed as public information officers. During the 2006 general elections in Fiji, the electoral office distributed a voter satisfaction survey at a sample of polling stations to collect impressions and direct feedback from voters on the conduct of the elections.

403. It is important that an EMB responds quickly and accurately to all questions and comments received from the public. A delayed response, or no response, gives the EMB a public image of an inefficient organization that is not interested in service to the electorate. An EMB may also need to make an extra effort to provide electoral services, materials and information to those marginalized through disability, illiteracy or remoteness.

404. An EMB can use the media to inform and educate the electorate about elections, and undertake its own publicity programmes – such as print and audiovisual information products, and a regularly updated web site – to keep voters in touch with its activities. The Australian EMB publishes a stakeholder newsletter in both hard- and soft-copy form. It is helpful to set up a professional unit within the EMB to deal with media relations and voter information.

Civil Society Organizations

405. Civil society organizations dealing with a wide range of issues – such as democratic development, women's empowerment, legal reform, human rights, civic education, governance and rights for people with disabilities – have a stake in an EMB's activities. Regular consultation with these stakeholders, as is practised in the Democratic Republic of the Congo, Ghana and South Africa, will allow the EMB to be advised directly about their specific needs and the EMB's programmes in their support to be discussed and publicized. EMBs may also build positive relationships with civil society organizations by using them as partners to implement electoral activities, for example, in training temporary electoral staff, or in implementing voter education and information programmes.

The Donor Community and Electoral Assistance Agencies

406. The key role played by donor agencies in democracy building and electoral assistance around the world makes them an indispensable partner of many EMBs. Donor funding may go direct to an EMB, or through an intermediary, such as a government ministry. There may be a direct bilateral electoral assistance agreement with a donor, or multiple donors' assistance may be channelled through arrangements such as a UN Trust Fund (as in Indonesia in 2004 and in Liberia at the turn of 2004) or a UN Basket Fund (as in Haiti, Tanzania and Yemen). In all cases, an EMB needs to ensure that all donor requirements, including budgets, project implementation reports and financial reports, and any requests for access to inspect the EMB's activities, are met with maximum efficiency and timeliness. Donor round tables can be used as a mechanism for an EMB to report on its progress in electoral administration and use of donor funding. Donors may require, and certainly appreciate, an EMB acknowledging donor assistance in its public relations events, publications and media productions.

Secondary Stakeholders

407. The range of secondary stakeholders of an EMB is likely to be diverse. Nonetheless, it is certainly worth considering the following:

a. EMB suppliers;
b. the public at large; and
c. regional and international networks.

EMB Suppliers

408. An EMB relies on many suppliers for products such as technology, equipment, vehicles, election materials, and services such as consulting, cleaning, security and transport. Unless an EMB maintains good working relations with these suppliers, its performance may be adversely

affected by, for example, suppliers not keeping deadlines or supplying substandard products and services.

409. To maintain good relations with its suppliers, an EMB should ensure transparency, professionalism and efficiency in the invitations for expressions of interest to supply goods and services; share information with suppliers and prospective suppliers on the EMB's values, such as strict adherence to integrity, dignity, professionalism and efficiency; pay suppliers within the deadlines agreed; and arrange suppliers' information forums to discuss suppliers' concerns and formulate agreed solutions.

The Public at Large

410. The general public is also an EMB stakeholder. As an organization promoting democratic values and improved governance, an EMB has responsibilities to be a good corporate citizen. In its activities it needs to consider the community's health and safety, and be environmentally safe. In its external and internal working relationships, an EMB has a responsibility to be a good practice model of the values that it represents, such as democratic decision-making processes; respect for the rule of law; non-intimidatory practices; honesty and incorruptibility; transparency; accessibility for all societal groups, including those marginalized through disability, illiteracy or remoteness; and promotion of gender balance. An EMB can seek to develop programmes of social responsibility by ploughing back into the community the skills, knowledge and other resources at its disposal.

Regional and International Networks

411. An EMB has stakeholders who do not form part of its immediate environment but have a bearing on its policies and programmes. The linkages of EMBs with the international community have become stronger as a result of intensified international cooperation in democracy promotion and electoral assistance. The creation of regional and international electoral networks has opened up opportunities for EMBs to meet regularly at conferences and workshops and to undertake study visits and other joint projects (see chapter 11 of this Handbook). Regional networks present opportunities for partnerships in sharing knowledge and materials and in the processes of peer review and evaluation.

412. International and regional instruments are a basic yardstick for assessing the quality of elections and have been widely used by election observers. The Global Declaration of Principles and Code of Conduct for International Electoral Observation adopted by the United Nations and by global and regional organizations in October 2005 is an example. An EMB that seeks to maintain a good reputation needs to align its practices and policies with internationally and regionally recognized principles, and be aware of global trends in electoral management.

Maintaining Relationships with Stakeholders

413. It is important for an EMB to foster close cooperation with its stakeholders to ensure their support for its policies and programmes and to strengthen their confidence in what the EMB is doing. Unless the EMB works hard to create and sustain sound relations with its stakeholders, there are likely to be misunderstandings and suspicions about its activities. This may ultimately generate lack of public confidence and trust in the EMB and the electoral process.

414. Like any business, an EMB needs to undertake consultative activities that will help it 'know its market', that is, what the EMB's stakeholders – its customers – expect of it. But consultation alone is not sufficient. An EMB needs to develop an operational culture that makes it responsive to the expectations and needs of its stakeholders. This will generate support for and goodwill towards the EMB's policies and practices, and enhance its credibility. For example, an EMB may organize an election which, technically speaking, is of very high integrity and flawless in implementation, but if stakeholders are not involved and kept 'in the loop' about the process, their suspicion and distrust may lead to the election result being rejected.

415. The combined power, influence and interest of a stakeholder can be referred to as its *stakeholder value* to an EMB's policies and practices. Stakeholder value is the basis on which the EMB can develop an appropriate strategy for promoting sound relationships with each stakeholder. For example, political parties in general are a high-interest/high-power stakeholder in elections. If a significant political party rejects an election result because it mistrusts the way an EMB has conducted an election, the EMB may come under attack. Thus the relationship with political parties is an important one for the EMB to take very seriously. The EMB may not, however, need to be so focused on its relationships with low-interest/low-power stakeholders with only a peripheral interest in its activities.

416. An EMB's strategy for dealing with each individual stakeholder will also be guided by the attitude of each stakeholder towards the EMB. For example, if a stakeholder is supportive of the EMB's policies and practices, the EMB may find it useful to involve it in as many of its activities as possible. This would not be appropriate where stakeholder involvement could damage an EMB's independence of action. If a stakeholder is marginal, and has little influence on EMB policies, the EMB needs to monitor it and keep it informed of the EMB's activities, but may not need to invest too much effort to involve it. Where an EMB identifies a wholly unsupportive stakeholder it will need to analyse that stakeholder's potential intentions and reactions to EMB activities and develop in parallel a strategy for inclusion of the stakeholder and an appropriate defence strategy should this be unsuccessful.

417. There are a number of basic actions that an EMB can take to maintain good relationships with its stakeholders. These include:

a. maintaining open, two-way communication with stakeholders;
b. being sensitive to stakeholder needs and concerns;
c. seriously considering stakeholder views when making decisions;

d. treating stakeholders equitably, so that none are unfairly advantaged or disadvantaged by EMB activities;
e. acting transparently, with meetings open to scrutiny and follow-up;
f. maintaining the highest standards of ethics, respect for human rights, impartiality and care in its relationships with stakeholders; and
g. equitably resolving any conflicts between the needs of EMB members and staff, and those of other stakeholders.

418. A relatively low-cost way in which an EMB can foster its stakeholders' awareness of its activities and build their loyalty is through a sustained effort of promoting open communication and dialogue. This could be by sharing its publications such as annual reports, election reports, financial reports and newsletters with all stakeholders, and regularly organizing information meetings to which stakeholders are invited.

How to Deal with Difficult Stakeholders

419. Not all stakeholders will be well disposed to EMBs. Some may be 'difficult' for reasons that are legitimate, such as an EMB's failure to treat them with fairness, respect and impartiality. Others may simply be difficult for reasons such as personality clashes, past misunderstandings, or the seeking of political advantage. It is common for some candidates and political parties to threaten to boycott or withdraw from elections citing EMB incompetence or partisanship, or to blame an EMB whenever they have lost an election. This may occur because the EMB has not fulfilled its mandate to be fair and impartial, because of actions by bodies beyond the control of the EMB, or because of lack of public support for these political parties or candidates.

420. When attempts at inclusion fail, an EMB may need to decide whether it is wise to deal directly or indirectly with a difficult stakeholder, or whether to be on the offensive or defensive in dealing with this stakeholder. If a small political party with little following announces that it is boycotting an election, the EMB may decide to restate its position publicly and monitor the situation. If a large and influential party decides to boycott an election, the EMB may need to seek mediation by a third party. There may be advantage in approaching the courts for a binding determination if the differences between an EMB and a stakeholder relate to the interpretation of the law.

421. Liaison structures, such as working groups with civil society or suppliers, committees of the legislature, or political party liaison committees, may be useful in reducing or resolving differences between an EMB and its stakeholders. When a large majority in the liaison group supports the EMB's views, the dissenting views of a difficult stakeholder may be muted or stifled. On the other hand, when a large majority in the liaison group supports the difficult stakeholder, the EMB can recognize that it is dealing not with a difficult stakeholder but with common perceptions of its performance – in which case it may need to reconsider its policies and decisions.

422. Where differences between the EMB and a difficult stakeholder are nearly irreconcilable, an EMB can resort to a strategy of defending itself against attack. Media releases and appearances by the EMB's spokesperson on news and other programmes, and other publicity opportunities such as the EMB's web site, can be used to clarify the EMB's position, so that the public understands the EMB's side of the story. The EMB may seek to publicize areas of agreement, rather than emphasizing areas of difference, to demonstrate that it can work with a difficult stakeholder.

423. By ensuring that it is irreproachable in all its conduct by maintaining a high level of transparency, impartiality, dignity, integrity, professionalism, service and efficiency in all its dealings with stakeholders, an EMB can construct a good defence against detractors.

CHAPTER SUMMARY

- An EMB's stakeholders are those groups which affect or are affected by the EMB's actions and to which it is accountable. Primary stakeholders include institutions such as legislatures, political parties, the executive branch of government, EMB staff, voters, the media, the electorate, civil society organizations, various components of judicial systems, election observers and donors. Secondary, more loosely affiliated, stakeholders include suppliers and the general public.

- An EMB needs to treat all stakeholders fairly and to maintain regular two-way communication and consultation with them. Methods may include meetings to consult or discuss policy, the provision of media briefings, the inclusion of stakeholders in EMB activities and training, and the wide distribution of EMB reports.

- EMB-initiated communication and consultation with stakeholders may be on issues such as strategic plans, election timetables and processes, electoral reforms, and voter education and information needs. Transparency, professionalism and reliability in an EMB's regular communications with stakeholders promote confidence in the EMB and the electoral process.

- An EMB culture needs to be responsibly sensitive to stakeholder needs and expectations. Relationships with stakeholders require active management by the EMB to promote goodwill and the EMB's credibility. The attention which an EMB pays to a particular stakeholder will vary depending on its importance and power.

- Despite an EMB's best efforts, it may have to deal with difficult stakeholders. EMBs need to decide whether to deal directly with these – for example, through liaison committees with a wide membership of stakeholders – or indirectly – using other institutions such as the courts for arguments over legislative interpretations.

- An EMB may need to take defensive action to protect its reputation, using the media and other publicity opportunities to explain its side of any difference with stakeholders. An EMB's best defence is a high standard of professionalism, integrity, transparency, impartiality and service in all its conduct.

CASE STUDY: Fiji

Fiji: A New System Under Pressure

Bill Gray

Fiji became an independent nation in 1970, with a governor general as head of state, a bicameral Parliament and an electoral system weighted in favour of indigenous Fijians. From that date, Fiji enjoyed some 17 years of political and constitutional stability. However, following two military coups in 1987, Fiji has experienced major constitutional and political turbulence, with the political balance of power between indigenous Fijians and Indo-Fijians being central to the events leading to the two coups and the development of two alternative constitutions – the first in 1990, under which Fiji was declared a republic, severing its ties to the British monarchy, and the current constitution providing for the Republic of the Fiji Islands, which was passed by the Parliament in 1997.

General elections were held in 1999 based on the provisions of the 1997 constitution, which saw a change from a First Past The Post (FPTP) voting system to the preferential Alternative Vote (AV) system, resulting in the election of a coalition led by Fiji's first non-indigenous prime minister.

In May 2000, a further coup was staged, and was followed by a period of constitutional and political uncertainty that culminated in a successful court challenge in 2001. The court determined the interim administration to be illegal and the 1997 constitution to be the supreme law of Fiji.

Further national elections were held in August–September 2001.

The Legislative Framework

The legal framework for elections in Fiji comprises the 1997 constitution, the Electoral Act of 1998 (with subsequent amendments) and the Electoral (Counting Procedures) Regulations of 1999.

The 1997 constitution provides for a Parliament comprising an executive president and two houses. The upper House, the Senate, is made up of 32 appointed members. The House of Representatives has 71 members elected for a five-year term in single-member constituencies. Of the 71 seats, 25 are *open* seats, where the candidates and voters are from any ethnic group, and 46 are *communal*, that is, reserved on a racial basis: the candidates and voters in a communal

seat belong to just one ethnic group. There are 23 communal seats for indigenous Fijians, 19 for Indo-Fijians, one for Rotumans and three for 'general' electors (other races).

Registration and voting are compulsory, with the voting age set at 21.

The constitution provides for an independent Constituency Boundaries Commission (CBC), an Electoral Commission and a supervisor of elections.

Institutional Structure

The Electoral Commission is made up of a chair and four other members. The president appoints the chair, who must be, or be qualified to be, a judge. The other four members are appointed by the president on the advice of the prime minister following consultation with the leader of the opposition. The independence of the commission is guaranteed by the constitution, according to which the Electoral Commission is not subject to the direction or control of any other authority or person.

The Constituency Boundaries Commission consists of a chair and two other members. The chair is appointed by the president and must be, or be qualified to be, a judge. The other two members are appointed by the president, one on the nomination of the prime minister and the other on the nomination of the leader of the opposition.

The supervisor of elections, who is appointed by the Constitutional Offices Commission, is charged with the day-to-day management of electoral matters, subject to the direction of the Electoral Commission. He/she must be qualified to practise as a barrister and solicitor in Fiji. The supervisor is appointed for a period of five years (with a possibility for reappointment) and can only be removed for due cause as set out in the constitution.

Powers and Functions

The CBC is mandated to determine the boundaries of constituencies for both the communal and the open seats in the House of Representatives subject to meeting, as far as practicable, a series of criteria set down in the constitution.

The Electoral Act of 1998, along with the relevant regulations, sets out the specific powers of the Electoral Commission and the supervisor of elections, and prescribes details for the administration of elections. This includes the preparation and maintenance of the electoral registers; the conduct of elections (including postal voting and vote-counting); the handling of electoral offences; and the resolution of disputes by a Court of Disputed Returns.

The Electoral Commission has general responsibility for the registration of voters and the conduct of elections, and is empowered to make regulations in relation to a range of electoral matters including the registration of voters, the registration of political parties and candidates, and the penalties for violations of its regulations.

The supervisor of elections administers the registration of voters (there were 468,630 at the 2001 election) and conducts the elections for the House of Representatives and such other elections as are prescribed by the Parliament, subject to the direction of the Electoral Commission. He/she is required to take all reasonable steps to encourage all qualified persons to register on the appropriate electoral register; to publish the electoral registers at least once each year; to maintain a register of postal voters; to conduct elections in accordance with the law; and to appoint the registration and returning officers.

Financing

Estimates of expenditure are prepared by the supervisor of elections on an annual basis and submitted through the Electoral Commission to the Parliament for appropriation. While no difficulties have been encountered in the flow of funds from the Parliament to enable the Electoral Commission and the supervisor of elections to carry out their responsibilities, there is a heavy reliance on international donors to fund national elections.

Accountability

The Electoral Commission is required to make an annual report to the president concerning its operations and must submit a copy to both houses of Parliament. The Electoral Commission and the CBC are required, along with other statutory bodies funded by parliamentary appropriation, to account to the Parliament, while the supervisor of elections is subject only to the direction of the Electoral Commission.

The Professionalism of Electoral Officers

The office of the supervisor of elections is staffed by five permanent officers who, during the 2001 general elections, were augmented by some 14,000 temporary election staff, drawn almost entirely from the public service. While the performance and impartiality of the officials have been generally praised by electoral observers, the complexity of the AV system has led to calls for better training for electoral officials and other stakeholders such as party agents. Electoral officials are required to adhere to a code of conduct.

Relations with the Media and Other Institutions and Agencies

The media (radio, television and the print media) are not censored and were regarded by international observers at the 2001 elections to have been robust but balanced in their coverage and analysis of the political campaign. As the media play a major role in informing the population on electoral matters, the supervisor of elections and the Electoral Commission maintain an open relationship with the media.

There are some 30 political parties registered with the office of the supervisor of elections and, while some parties have found themselves at odds with the office, generally reasonable working relations have been established. Relations with civil society organizations, international donor agencies and observer groups have been positive and productive, providing a platform for analysis and potential reform of the electoral processes.

Electoral Reform Management

Following the 2001 elections, international observer groups and the Fiji Citizens' Constitutional Forum identified a range of issues arising from the conduct of the elections and made recommendations on the reforms needed. The supervisor of elections has indicated that the Electoral Commission and his office will consider the recommendations with a view to

improving the electoral system and the way it is administered. To the extent that suggested improvements need legislative changes, submissions may be put by the Electoral Commission to the Parliament for its consideration.

Undoubtedly the Electoral Commission, the Constituency Boundaries Commission and the supervisor of elections will continue to play their role in the administration of the electoral system of Fiji. The limited size of these bodies, the constitutional security they enjoy and the continued access to international funding and technical assistance point to their sustainability, albeit with a need for additional staff and professional training.

The office of the supervisor of elections faces significant challenges in order to become established as a credible and impartial administrator of the electoral system in Fiji. The Cabinet approved a restructuring of the office with a major increase of staffing levels prior to the 2006 election.

CASE STUDY: Uruguay

Uruguay: The Electoral Court – A Fourth Branch of Government?

Sara Staino

The Oriental Republic of Uruguay gained independence in 1825 and, with influences from the Swiss republican model, a unique combination of quasi-presidentialism and a multiparty system was formed at the beginning of the 20th century. With the exception of a military interregnum from 1973 to 1984, Uruguay has held multiparty elections for more than a century.

The Electoral Law of 1924 marks the beginning of an autonomous and independent electoral management body. After almost a century in the hands of the executive power, elections and other election-related issues were finally brought together under the jurisdiction of the independent and permanent Electoral Court (Corte Electoral) which, as the new leading body of the electoral system, was made responsible for the conduct of elections. In 1934 the existence and powers of the Electoral Court were enshrined in the constitution.

Institutional Structure

The Electoral Court consists of nine members elected by both houses of Parliament. Five are politically impartial members, nominated on the basis of their professional skills, and elected by a majority vote of two-thirds; and four are representatives of the leading political parties, elected by proportional vote by the members of the respective parties in the legislature. According to the constitution of 1952, the candidate with the highest number of votes among the five impartial members is chosen as president of the Electoral Court.

Subordinated to the centralized Electoral Court are 19 permanent electoral boards *(juntas electorales)* – one in each of the 19 departments of the country, a National Electoral Office (Oficina National Electoral), which acts as the court's secretariat, and 19 regional electoral offices, one for each department. The lower-level bodies are elected by popular vote, and thus the political party structure in Parliament is represented throughout all levels of the election administration.

The electoral boards are responsible for the conduct of elections at departmental level. They oversee the scrutiny at polling station level, keep and organize the departmental electoral archive, ensure that electoral laws and procedures are respected, and declare the results of elections at local and departmental level. The electoral boards report directly to the Electoral Court.

The main task of the electoral offices is to facilitate the work of the Electoral Court and the electoral boards. The National Electoral Office in Montevideo mainly handles the court's

administrative matters, such as personnel, accounting and finances. It is also responsible for the National Electoral Archive and for general electoral services. The National Electoral Office functions as a technical division, heads the 19 departmental electoral offices, and reports directly to the Electoral Court.

Powers and Functions

Article 278 of the 1934 constitution assigns the Electoral Court the competences to:

- exercise overall responsibility for electoral acts and procedures;
- provide administrative, consultative and financial leadership for the electoral organs; and
- decide appeals and complaints, and undertake the functions of a supreme electoral court of justice.

The court's electoral competence thus includes a range of functions. It is not only the manager of elections, responsible for, among other things, voter registration and the issuing of voting cards to eligible voters; it is also the highest court on all election-related matters, and thus it also hears and reviews electoral disputes and complaints. With the affirmative vote of six of its nine members, of which at least three must be neutral members, the Electoral Court has the authority to formally investigate the outcome of all elections and referendums, to reject election results and declare them null and void, and to carry out a new scrutiny of the results of a ballot.

Moreover, the court has the authority to issue administrative, jurisdictional and regulatory acts, and none of the acts it issues can or may be revised by any branch of government. This is an exclusive competence that no other independent organ of the state has: as Dr Carlos A. Urruty Navatta, the president of the Electoral Court, has said, 'The Court . . . has all the qualities needed to shape a branch of the government because it is created by the constitution, its competence is established in the constitution and its decisions are irrevocable'.

Other responsibilities of the Electoral Court are the conduct and oversight of the political parties' internal elections and university elections, the registration of voters, candidates and political parties, the maintenance of a permanent and updated electoral register, the issuing of voter cards and the announcement of the official results. The court does little in providing direct voter education and information, but on the other hand it does provide free electoral materials and offers the assistance of electoral officials for school education and mock elections held for educational purposes.

Financing

The activities of the Electoral Court are financed through the state budget; the budget is prepared by the court itself and submitted to the executive branch for comment. Parliament decides by majority whether to approve the budget as proposed by the Electoral Court or to incorporate the observations and changes suggested by the executive branch. The funds appropriated are not allocated to specific budget lines and the court is free to decide how best to spend its funds.

Accountability

There are no specific accountability requirements on the Electoral Court. As an organ with qualities similar to those of a branch of government, the court is not required to report on its activities to anyone. In practice, it is accountable to public opinion, partly expressed through the four political party representatives among its members. The EMB does, however, have financial accountability through external audit, and every year its accounts are submitted to the Tribunal of National Accounting.

The Professionalism of Electoral Officers and Staff

The permanent staff of the electoral administration adds up to 1,003 officials, of whom 668 work at the central level and the remaining 335 work at the departmental level. On polling day itself the number of electoral officials is increased considerably in order to staff the polling stations. All government employees are required by law to offer their services to the electoral administration during elections and referendums. At the beginning of an election year the Electoral Court estimates the number of extra personnel required for polling day. If by any chance the number of civil servants is not sufficient, the polling stations may designate other citizens to help in the electoral process. Courses and instruction are offered to all new officials. Electoral officers are generally well skilled. However, the court usually strives to enhance the technical skills of its staff by ensuring that promotion of officers is done strictly on the basis of their professional capacities. For each election the court designs and implements special training courses for its staff at all levels.

Relations with the Media and Other Institutions and Agencies

The Electoral Court has extensive relations with other institutions and agencies. Its principal relations are with the political parties, with whom it liaises regularly, and with Parliament and the executive branch concerning financing, electoral legislation, and the security, transport and other logistical aspects of elections. Its relations with the media are fluid: the media have taken upon themselves the role of the principal source of information to the public on election matters. The Electoral Court does not have extensive relations with international institutions and agencies and receives no help from international actors.

The Electoral Court is well established within the democratic system of Uruguay and has been so since its establishment as an independent body in 1924. Because of its independence, professionalism and inclusiveness of political parties it is perceived among Uruguayan citizens as a widely-respected government institution. Even during the military interregnum in the 1970s, when most of the political institutions were occupied by the military, the court was left untouched and its decisions were respected. A classic example is the referendum for constitutional reform on the autocratic rule of the military that was organized by the court in 1980, when the court announced that the people had voted against continued military rule, and the military fully respected the outcome and withdrew from Parliament. This was the turning point for Uruguay and the end of the military regime. There is no doubt that the Electoral Court has been a stabilizing and legitimizing democratic institution which has been of great importance for Uruguay's return to democracy.

Nevertheless, like many other institutions of government, the Electoral Court suffers from a lack of technological means and assistance, and may need to modernize and computerize great parts of its administration in order to become more cost-effective. Manual registration of voters and issuing of voter cards has been manageable because of the small size of the population, but from the point of view of cost-effectiveness it is precarious.

Chapter 9

Chapter 9

Assessing EMB Performance

Why is EMB Accountability Important?

424. Accountability means that an EMB is responsible for its activities, and must periodically provide evidence to its stakeholders and the public that its activities are effective and meet its prescribed legal, ethical, service and financial standards. The principle of accountability requires that the EMB provides comprehensive public information on its policies, their intended outcomes, its performance, and the resources it has used and intends to use, including public and other funds.

425. Accountability has a number of positive effects on the operations of an EMB. It aids the transparency of the EMB and promotes good governance. Accountability helps an EMB to gain the confidence of the public and important stakeholders, particularly political parties and government ministries. A lack of proper accountability mechanisms may lead to accusations of poor operational transparency.

Principles and Best Practices for EMB Accountability

426. The financial accountability principles dealt with in chapter 7 of this Handbook hold for an EMB's general accountability. Transparency and integrity are especially important for the accountability of an EMB. Transparency contributes to increased public trust and confidence in the EMB's operations, and may protect it against unfounded allegations.

427. An EMB needs to ensure that it has sufficient integrity controls on information it releases publicly under its accountability responsibilities. Knowingly or unknowingly disseminating incorrect or unreliable information diminishes the credibility of and public trust in the EMB. How fully can the public trust an EMB's election results if it has been found to have provided unreliable information on other critical issues?

Stakeholder Accountability

428. An EMB has both informal and formal accountability to stakeholders, and through them to the public. EMB accountability takes three main forms:

a. *consultation and communication (informal)* through regular contact with primary stakeholders, transparent working methods, and regular reporting procedures;
b. *performance accountability (formal)* through the submission of activity reports on an annual basis, or after every major electoral event, and performance audits and evaluations, to the legislature or the government and other stakeholders; and
c. *financial accountability (formal),* which entails the submission of financial statements and audits to, among others, the legislature or the government, to explain how the funds allocated to the EMB have been used.

Consultation and Communication

429. Regular consultation with its stakeholders promotes awareness about an EMB's operations and allows stakeholders to directly advise the EMB of their assessments of its performance and suggest potential improvements. These consultations could be regular or event-driven, mandatory or voluntary, structured or informal. There is a detailed discussion of EMB communications with stakeholders in chapter 8 of this Handbook.

Performance Accountability

430. An EMB is responsible for the development of policy decisions to give effect to its mandate and to ensure the implementation of those decisions. It is accountable for:

a. electoral administration and how that administration functions;
b. its compliance with all relevant laws and regulations; and
c. delivering good-quality electoral services to voters and other stakeholders.

Mechanisms for performance accountability may be internal or external.

Internal Performance Accountability

431. Internal performance accountability refers to the mechanisms by which:

a. an EMB's lower structures account to higher structures for their performance; and
b. staff with managerial responsibilities within an EMB monitor and assess institutional performance, and take corrective action in relation to activities that do not meet the required output targets, service levels and performance standards.

The key responsibility of EMB managerial staff is to ensure that the performance of EMB staff is of high standard, and meets the standards and fulfils the work plans that are anchored in the EMB's strategic goals.

432. EMBs may also use the internal audit function to foster internal accountability. Past practices of internal auditors have often been to narrowly monitor institutional compliance with rules and policies, especially in the areas of finance and administration, but internal audit functions are increasingly being used as a performance enhancement tool, assisting senior management to identify means of improving an EMB's operational effectiveness.

433. Internal performance-based accountability also requires senior EMB secretariat staff to submit regular institutional performance reports and updates for review and consequent consideration of policy initiatives. EMBs may also consider following corporate board practice in regularly reviewing the performance of the head of the secretariat.

External Performance Accountability

434. The second level of performance accountability is external accountability, for example, requirements that an EMB report to the legislature or the executive branch of government. EMBs in countries such as Cambodia, Ghana, Georgia, Honduras, Lesotho and Russia submit their reports directly to the legislature. Countries which submit reports to the president include Fiji and Zambia. In the case of Zambia, the president is required to table the EMB's report before the legislature within seven days after receipt of the report from the EMB.

435. Some countries provide for EMBs to prepare performance and audited financial reports on an annual basis, for example, Bosnia and Herzegovina, Ecuador, Namibia, South Africa and Zambia. In the case of Bolivia, the EMB has to submit to the legislature both an annual report and a report after each election. The South African EMB is also subject to a rigorous series of accountability mechanisms. It must submit activity reports (including audited financial statements) to the legislature, both annually and following major electoral events, as well as prepare publicly available readiness reports on forthcoming electoral events. The president may also request the EMB to submit written reports to him/her on specific electoral matters. In the USA (see the case study), local authority EMBs are accountable to their communities, state officials and the courts.

436. In countries such as Costa Rica, Nigeria, Uruguay and Yemen, the EMBs have no formal performance accountability requirements. In Costa Rica and Nigeria there are committees of the legislature on electoral matters which could serve as an oversight mechanism on the EMB's activities. Uruguay's EMB is financially accountable through external audit of its financial statements, but is not otherwise accountable. In Palestine, while there is no legal requirement for the EMB to account to any branch of government, the EMB has published reports after major electoral events which are simultaneously circulated to the executive branch of government, the legislature, the political parties and the general public.

437. It is common for EMB performance reports to be both descriptive and analytical, highlighting challenges to the EMB's operations, including funding issues and improvements to the electoral legal framework that would enhance the EMB's effectiveness. Since these reports go to the legislature and may influence government decision making, it is important that they are sufficiently comprehensive and clear to capture the attention and interest of lawmakers.

438. EMB reports may also be proactively circulated to other stakeholders, such as political parties, government ministries, donors, civil society organizations, universities and educational institutes, the business community, and interested members of the public. Reports can be made widely accessible through cost-effective methods such as low-cost printing/copying or publication by CD-ROM or on the EMB's web site. Sending copies of reports to international electoral research and assistance organizations may help to promote international awareness about the EMB's country, including the challenges it faces and its election or democracy-building assistance needs.

Financial Accountability

439. An EMB has a responsibility to use the financial and other resources it receives effectively, to achieve its strategic objectives. It is accountable for:

a. efficient use of its resources that achieves value for money;
b. compliance with all relevant laws and regulations; and
c. using ethical financial practices.

440. Financial accountability may be provided for in the electoral legal framework, as in Lesotho, or in general legal requirements for public-sector entities. Many EMBs, such as Liberia's, treat the statutory requirement as the minimum and offer more regular financial reporting than is formally required.

441. Like performance accountability, financial accountability has two components, internal and external.

Internal Financial Accountability

442. Internal financial accountability mechanisms are an EMB's internal procedures that promote control over its financial resources. They may include measures such as:

a. creating an EMB subcommittee to oversee the EMB's finances;
b. formal financial reporting structures within the EMB's secretariat and to the EMB's members (or, for governmental EMBs, to the host government department);
c. the use of performance budgeting to ensure that all expenditure is in line with the EMB's operational and strategic objectives; and

d. regular internal audits to monitor and review the EMB's financial management procedures and their implementation.

443. If an EMB cannot demonstrate that its internal financial accountability controls are sufficient to ensure the probity and effectiveness of its financial management, there is more likely to be pressure for more onerous external financial accountability controls. This may have negative effects on the EMB's financial autonomy and its capacity for independent action.

External Financial Accountability

444. External financial accountability mechanisms are primarily based on the external audit of an EMB's financial activities and statements. Additional external audits may be undertaken on specific financial systems (such as salary payments), or following allegations of corrupt or irregular practices within the EMB. In the latter case, state anti-corruption bodies may also be involved in the external audit.

445. Many EMBs' external financial auditing is undertaken by a government audit agency, such as the State Audit Commission in Bosnia and Herzegovina or the auditor-general in Canada, Honduras and Panama. In Romania and Turkey, external audit of the EMB is by an Audit Court which is responsible to the legislature. In Portugal, the governmental EMB may be audited by the Ministry of Finance and by the Audit Court. In countries such as Lesotho and Zambia, external auditing of EMB finances is undertaken by private auditing companies, while in Russia, the external audit is performed by the Federal Assembly through its Accounting Chamber. In Peru, an audit of EMB finances has to be undertaken no later than three months after elections.

446. An EMB normally incorporates audited financial statements within its annual or other reports for submission to the legislature and other stakeholders. For example, in Cameroon, the audited financial reports are tabled in the legislature, while the performance audit is submitted to the president.

447. Review of an EMB's financial accounts by a committee of the legislature, often called a Public Accounts Committee, can provide a public demonstration of the EMB's financial integrity. The framework of such reviews needs to ensure that the EMB is questioned fairly, rather than for political advantage. If auditors have identified poor financial management practices, members or senior executives of the EMB may be summoned to explain the circumstances and describe the remedial action that has been taken.

Accountability for the Use of Technology-based Systems

448. The increasing use of computer-based systems for electoral operations and management creates some additional challenges for EMBs' accountability. Apart from the

issue of sustainability (dealt with in chapter 10 of this Handbook), public confidence in their accuracy and reliability needs to be assured.

449. Lack of any tangible evidence of transactions in many computer systems, the lack of transparency and the incomprehensibility of computer programming to the bulk of the population, and the risks of interference with data, are widely publicized through media reports of computer worms, viruses and hackers. These can affect the credibility of EMBs relying on computer systems for vital tasks such as voter registration, voting and vote-counting, unless they are openly accountable for their use.

450. There is still intense debate about the reliability and security of computer-based systems for voting and counting of votes. Beyond technical performance issues, in the USA some of this debate entails the propriety of politically-aligned supplier behaviour. Media reports of alleged integrity problems with mechanical and electronic voting machines in the USA, including with direct recording electronic (DRE) 'touch screen' vote-recording machines (as in the state of Maryland in 2004) has increased pressure on EMBs to be open and accountable in their use of technology. These concerns led the 2005 report of the Baker – Carter Commission on Federal Electoral Reform to deal at length with concerns about electronic voting.

451. Measures that EMBs need to take to ensure integrity in computer-based systems include:

a. rigorous pre-implementation testing of computer systems and public release of the results of the tests;
b. use of open-source operating systems and applications, to promote transparency in the computer systems used;
c. making test versions of computer programming code for computer systems available for public comment, where open-source code systems are used. For example, the Electoral Commission of the Australian Capital Territory posted proposed code for its computer-based vote recording and counting system on its web site, and invited comments from computer professionals;
d. holding an audit-authenticated copy of the authorized code for each computer system in an independently controlled off-site location, and regular audited comparison of this with the code being used in the EMB, to detect and remove any unauthorized changes, as has been recommended in the USA;
e. regular audit of computer systems, with particular attention paid to their security features;
f. ensuring that computer-based systems all leave a paper-based audit trail that can be used to verify the system's results, as has been recommended in the USA; and
g. ensuring that back-up systems are available in the event of computer system failure.

EMB Assessment Mechanisms

452. To meet internal and external accountability requirements, an EMB needs mechanisms

that can assess its activities, and assure itself and its stakeholders of the quality, effectiveness and probity of its operational and financial management. These mechanisms include internal quality controls, audits, evaluations, peer reviews and external oversight.

Internal Quality Controls

453. Internal quality assurance programmes are the starting point for assuring an EMB and its stakeholders that EMB activities meet service, effectiveness and appropriateness standards. Components of a quality assurance programme may include:

a. stakeholder consultation on new systems and methods;
b. implementation of formally reviewed, benchmarked design and development processes;
c. rigorous pre-implementation testing;
d. comprehensive training programmes;
e. ensuring that professional staff are qualified to be members of the appropriate professional associations;
f. formal post-implementation monitoring programmes; and
g. robust reporting of faults and rectification processes.

EMBs may wish to follow the relevant International Organization for Standardization (ISO) guidelines and standards.

Auditing EMBs

454. An audit critically examines and assesses the EMB's activities, strictly within the parameters of the EMB's stated strategic objectives. Regular auditing is an essential means of ensuring that an EMB is accountable for its operations. Concepts of auditing publicly funded organizations now have a focus beyond the purely financial, looking also at the appropriateness and effectiveness of these organizations' strategies, operational methodologies, and performance in delivering services to the public.

455. Just as an EMB has performance and financial accountabilities, so too can an audit of an EMB fall into the basic categories of:

a. *performance audit* – focusing on the economy, efficiency and effectiveness of its activities – or
b. *financial audit* – focusing on examining an EMB's accounting records against accounting standards, to assess the efficiency and probity of the EMB in handling its funds.

456. An audit may fall neatly into one or other of the above categories or be some combination of both. It may be broadly based – examining overall EMB performance or transactions – or be limited to a particular activity, or a system operated by the EMB.

457. No matter what the type of audit, it is usually conducted in accordance with professional auditing standards. Audit reports, which are usually made public, would either certify this or explain why such standards could not be applied, and justify the standards or methodology used. The audit investigation and report may identify good and bad practice found; assess operational or financial management controls; identify non-compliance with the law or policies, and breaches of financial probity or integrity in operations; note improvements made since earlier audits; and assess the appropriateness of methods and systems used or the levels of service provided in achieving the objectives of the EMB.

458. A professional audit report is always objective, factual, accurate, complete and fair, and emphasizes the EMB's positive accomplishments as well as identifying any failings. It is good practice for auditors to discuss their draft findings and recommendations with the EMB, for the EMB to be given sufficient time to respond to these, and for the EMB's responses to be carefully considered before the audit report is finalized and publicly issued.

Performance Audits

459. Performance audits are an objective, independent and systematic examination of an EMB's activities and management systems to assess how effectively, efficiently and economically it has used its resources. They may be conducted internally by an EMB, or as an external review of the EMB. They may cover the whole range of an EMB's activities or focus on a particular function or programme. Performance audits identify strengths and weaknesses in an EMB's activities, and recommend any appropriate corrective actions. A performance audit is an important mechanism for improving electoral management, instituting good practice, improving public accountability and reinforcing institutional integrity.

Methodology and Scope of a Performance Audit

460. Performance audits involve both internal examination – that is, a review of an EMB's policies and records relevant to the audit, and interviews with relevant EMB members – and external examination – interviews with an EMB's stakeholders and review of media and other reports on its activities so as to obtain the external perception of the EMB's performance. These audits commonly undertake both cost-benefit and cost-effectiveness analyses, and use performance indicators – those included by the EMB in its strategic plan, where these are appropriate – and the standards of service either defined by the EMB or expected by its stakeholders, to assess the EMB's performance against its strategic objectives.

461. Components of a performance audit would usually include:

a. interviewing the principal stakeholders, such as the political parties, voters, members of the legislature, civil society organizations, media organizations, relevant government ministries and agencies, and suppliers. This may include joint consultation with stakeholders at workshops or seminars;

b. interviewing EMB members, secretariat staff, and where relevant, temporary staff or contractors engaged for the activities being reviewed;
c. examining the EMB's strategic plan, management structure, relevant policies, operational plans and task assignments, and the implementation of these planned activities; and
d. reviewing relevant constitutional instruments, laws, regulations, court or tribunal decisions, codes of conduct, and the EMB's computer and other systems, reports, procedures, manuals, guidelines and relevant records.

462. The specific criteria for and issues covered by a performance audit will be governed by the activity or activities to be audited. For example, a performance audit of an EMB's overall conduct of an election could use the following design criteria and address the issues listed in table 15.

Table 15: Election Performance Audit: Criteria and Issues

Election Performance Audit Criteria	Specific Election Performance Audit Issues
• Election preparation and design: the logic and completeness of election planning • Efficiency of election processes: cost-to-output ratios and resulting quality • Effectiveness of election activities: the contribution made by the EMB's services to election objectives • Impact: the effect of the EMB's conduct of the election on the wider democratic environment and state stability • Sustainability: the ability to maintain a stream of benefits from the election	• The appropriateness of the EMB's regulations, policies, procedures and performance standards for its election objectives • The appropriateness of the EMB's structure and culture for delivering election services to the expected standards of service • The level of the EMB's compliance with the election's legal framework and its internal regulations and procedures • The level of any conflicts and duplication within the EMB's election activities, and between election and other EMB programmes • The impact of the electoral system on the EMB's systems and procedures • The effectiveness and sustainability of the use of technology for election purposes • The levels of knowledge about elections among the EMB members and staff, and the effects of training and staff development on these • The impacts of the EMB's information campaigns • The effectiveness of relationships between the EMB and other organizations with a role in the election • The EMB's performance in implementing the major election processes • The EMB's accountability to its stakeholders

Performance Audit Outputs

463. A performance audit's output could be expected to include information in relation to the activities or processes being audited and recommendations targeted at assisting the EMB and its oversight bodies to improve the EMB's services to stakeholders.

Table 16: Possible Performance Audit Findings and Recommendations

Performance Audit Findings	Performance Audit Recommendations
• Strengths and weaknesses of the EMB's management systems and management team	• Methods of improving management, operational and financial systems and procedures to improve performance against EMB objectives
• Strengths and weaknesses of methods used to implement relevant activities or processes	• Methods of using resources more economically while achieving expected quality • Methods of using EMB resources more efficiently, reducing the cost-to-output ratio • Methods of improving EMB effectiveness by better achieving its planned objectives, performance standards and service levels
• Constraints that may have affected the EMB's ability to achieve objectives related to the activities being audited	• Changes to the EMB's external environment that will assist the EMB to achieve its objectives and improve service delivery, longer-term viability and sustainability
• Determination of the extent to which the activities and processes reviewed have achieved the objectives, performance levels and service standards defined by the EMB and expected by its stakeholders	• Improvements to the EMB's framework and planned results, performance standards and service levels that would allow the EMB to meet its objectives in a manner that enhances its service to its stakeholders • Changes to improve the accountability and transparency of the EMB, and to increase public trust in the institution

464. Performance audits can have a wide range of impacts, both on the EMB and on the stakeholders' perceptions of the EMB. These impacts can include savings in the use of resources, higher efficiency, strengthened management policies and practices, improved service quality, and a better understanding of accountability.

Financial Audits

465. The EMB's internal financial audit is its final internal checking mechanism to promote financial probity and integrity. An external financial audit of an EMB reviews the EMB's accounts to provide an independent opinion of their completeness, compliance, integrity and accuracy. Most EMBs are required to prepare and submit annual audited accounts, which are linked to achievements and activities based on the annual plan of work. The report may reflect the level of financial contributions by the state and by external sources, where appropriate, and the expenditure of these funds.

466. Electoral events generate many financial transactions through the acquisition of election supplies, materials and equipment, and the employment of large numbers of additional staff. Many EMBs have a relatively large dispersed staff, including thousands of temporary workers, and procure millions of dollars-worth of electoral equipment, services and materials, often in a very short time. This is an environment where corruption and misappropriation of funds may occur if adequate safeguards are not in place.

467. Financial audits aim to provide reasonable assurance that the financial statements of an audited EMB represent fairly the financial position, the results of operations, and cash flows in conformity with generally accepted accounting principles and financial reporting standards. Such audits seek to establish whether all financial transactions have followed the financial compliance criteria, based either on the EMB's own rules and regulations or on more general public-sector financial accountability laws or rules. They also assess and provide an opinion on whether the EMB's internal control structure for finance and safeguarding assets is suitably designed and implemented to ensure accuracy and integrity in financial management records and to prevent fraud.

468. Financial audit may cover some or all of the following areas:

a. financial statements and information (such as revenue and expenses, cash receipts and disbursements, and the inventory of assets);
b. budget requests and variations between estimated and actual financial performance;
c. compliance with laws and regulations, especially on procurement, accounting, reporting on contracts and grants, and anti-corruption measures; and
d. internal controls on funds, assets and financial reporting.

Programme Evaluation by EMBs

469. Programme evaluation is another widely used tool to help EMBs improve their accountability. The boundaries between performance auditing and programme evaluation are blurred. Both provide independent, objective analyses of how an EMB may use its resources better. A performance audit will generally concentrate on the economy, efficiency and effectiveness of the EMB's performance in relation to the objectives stated in its strategic plan or other legal and operational framework documents. A programme evaluation will generally

start from the basis of questioning whether the electoral framework, and consequent strategic objectives that the EMB has determined, meet the needs of the EMB's stakeholders.

470. Key questions for a programme evaluation of an EMB's activities include:

a. Do the legal framework for the EMB's activities and the EMB's objectives meet the needs and objectives of the EMB's stakeholders?
b. Are the services the EMB provides necessary?
c. Could the EMB's services be provided more effectively?
d. What are the long- and short-term impacts of the services being provided?

471. Programme evaluations are wholly outcome-focused, feeding back into the EMB's strategic planning cycle. They concentrate on how an EMB serves its stakeholders, including whether the needs assessments on which an EMB's strategies and activities are based are still valid. As they are stakeholder-focused, they concentrate on obtaining the expectations of stakeholders of the EMB and their views on the appropriateness and performance of its current activities. In an environment of changing societal attitudes and political and legal frameworks, and technological advances, these evaluations assist the EMB to identify areas of activity that no longer effectively meet its stakeholders' needs. A programme evaluation may review whether specific EMB services are still needed, or whether other institutions are better placed to use all or some of the public funds available for specific electoral services, for example, voter education and information, than the EMB.

Post-election Reviews

472. Post-election reviews are a tool that is being used increasingly by EMBs to assess the adequacy or otherwise of the legal and management structures for elections, and of their performance in delivering credible elections. These reviews are complementary to the financial and performance audits. Countries which provide for the submission of performance reports after every major electoral event include Botswana and Georgia. The Botswana EMB engaged a team of electoral experts to conduct a review of its performance during the country's 2004 general elections. This review produced several key recommendations with far-reaching implications, including requirements for constitutional and legal amendment.

Table 17: The Botswana Post-election Review 2004: Terms of Reference

Legal Framework	• Assess the relevance, adequacy and effectiveness of the legal framework in place to guide the Independent Electoral Commission (IEC) in the execution of its mandate (Electoral Act and Constitution) • Assess the clarity of the legal framework with particular emphasis on the nature of the Commission's mandate • Assess the adequacy of the functions of the IEC and its Secretary as stipulated in the Constitution of Botswana • Explore the need for a specific Act of Parliament on the IEC's persona, functions, its employees and other relevant legal matters • Propose reform or otherwise of the existing legal framework
Operational framework (Execution of Mandate)	• Assess the IEC state of preparedness for the 2004 general elections • Evaluate if the IEC in preparing for the 2004 elections observed its mandate relative to the existing legal framework • Assess the relevance, adequacy and effectiveness of the IEC Civic and Voter Education Programmes • Assess the effectiveness of the IEC in conducting the 2004 elections and identify real and perceived problems and weaknesses • Assess the Commission's relationships with its major stakeholders. This assessment should give priority to the Commission's relationship with the executive in order to suggest most effective ways of IEC-Government liaison which enhances IEC accountability and transparency but preserves its independence • Assess how best to promote good communication between the Commission and the Secretariat
Appointment of the Commission and related staffing issues	• Evaluate procedures for the appointment of the members of the Commission and the Secretary and propose improvements where necessary • Assess the competence and adequacy of the Commission's electoral staff • Identify weak links and propose development interventions • Assess if the Commission should have the powers to hire, discipline and fire its staff at all levels, including the Secretary
Financing	• Assess the adequacy of the IEC financing and also the effectiveness of the current funding mechanisms
Independence of IEC	• Assess to what extent the IEC is and should be independent • Propose parameters that should define the independence of the IEC • Suggest reporting channels for the IEC
Future performance evaluations	• Look into ways of institutionalising performance evaluations as part of the normal post-election routines of the IEC.
Other issues	• Assess relevance and adequacy of IEC's current strategic plan and propose improvements • Issues relevant to gender and elections, including gender mainstreaming in the IEC.

Source: Taken from Dundas, Carl W., Maundeni, Zibani and Balule, T., 'Final Report: Audit of the Independent Electoral Commission's (IEC) Preparedness to Conduct Legitimate and Credible Elections in October 2004. Report of a Team of Consultants Appointed to Audit the Operation of the 2004 Elections in Botswana', (no place, no publisher), December 2004.

473. A post-election review report analyses what worked well, what did not, and why. It may cover every aspect of the electoral system, processes, and management structures and capabilities, and is better if based on the analysts' direct experiences of the electoral event, not just examination of records. Polling and vote-counting activities, voters' attitudes, and the response of stakeholders to EMB actions can be matters for detailed examination in a post-election review. A post-electoral event review could also address how the EMB's funding processes help or hinder EMB sustainability. The review report can examine the strengths and weaknesses of the EMB and the electoral framework, and make suitable recommendations for remedial action. The results of the review need to feed in to discussions about electoral reform and the procedural development of the EMB throughout the electoral cycle.

474. The twin approach of needs assessment studies prior to a general election and a post-election review of EMB performance during an electoral period can assist in identifying the level of sustainability of free and fair elections that can be achieved over the longer term.

Table 18: EMB Post-Election Review Cycle Checklist

Responsibility	Action
EMB management	• Before electoral period commences, develop the scope and terms of reference of the review following consultation with stakeholders, and appoint responsible EMB manager and review team, and/or external consultants (if required) • Explain to EMB staff the nature and purpose of the review
Review team	• Develop plan and timetable for information collection during and after the electoral period, analysis and reporting • Review the documentary framework for the relevant election processes – such as the legal framework, EMB policies and procedures, and relevant documents issued by other bodies • During the electoral period, witness election processes, interview external stakeholders and EMB staff, and continuously collect relevant election performance data • Conduct post-election interviews or round tables of stakeholders for views on overall election performance • Collect data after the election to cover gaps in existing data, and on issues such as election result disputes • Analyse data and draft review report
EMB management	• Review and respond to draft review report
Review team	• Draft final review report considering EMB management response
EMB management	• Present review report to stakeholders • Discuss recommended changes in review report with EMB staff • Advocacy to stakeholders, including government and the legislature, of electoral reforms recommended in the review report • Develop new policies and procedures based on the review findings and recommendations, and any resulting electoral law reform • In consultation with stakeholders, develop the scope and terms of reference for review of the next election, paying particular attention to issues noted in the review of the previous election

Peer Reviews

475. Peer reviews can bring the knowledge of experienced electoral practitioners to both internal and external review (audit and evaluation) mechanisms. Using EMB field staff from one geographical area to assist with financial or performance audits or post-election evaluations in another geographical area of the EMB, as was practised by the Australian EMB in the early 1990s, can be extremely beneficial. The EMB offices being audited may be more likely to take note of recommendations from peers who have had to solve similar management problems, and both the reviewer and those being reviewed can broaden their knowledge through the exchange of ideas. Similar benefits arise from using appropriately senior experienced electoral professionals, from the same or another country, on EMB external review teams.

External Oversight Issues

476. External oversight of an EMB is part of its external accountability, and may be implemented through mechanisms such as external audits or evaluations, reviews of EMB activities by an ad hoc or other specially appointed body, or reviews by a committee of the legislature, such as an electoral affairs or public accounts committee.

477. If an entity undertaking external oversight of an EMB is not fully independent, it may be subject to interference that improperly inhibits its scope and/or methodology. There may be attempts to change or influence the content of oversight reports. Constraints on oversight bodies may include restrictions on terms of reference, on the time allowed for investigations, on access to information, or on access to sufficient funds and other resources to carry out the task. For example, the Indonesian election monitoring body, Panwas, both monitors the conduct of the election and is the body of first instance for most election disputes. While it is expected to act independently, it is appointed and funded by the EMB. Conflict in 2004 between Panwas and the EMB over Panwas' challenges to EMB decisions led the EMB to issue regulations to remove any role for Panwas in challenges or disputes involving the EMB.

478. Oversight bodies need rights to examine documents and computer files, to verify services paid for and property acquired with public funds, and to interview EMB members, staff, and other persons. These rights can be guaranteed if they are included in the legal framework. If not, the EMB can enhance its credibility by allowing free and unimpeded access. Official oversight agencies may be given the authority to obtain court-enforceable subpoenas to compel the EMB and other organizations to produce specific documentation, with sanctions for non-compliance. Where an oversight agency is given investigative powers, it is usually able to administer and take affidavits under oath.

479. To be effective, oversight must be subject to rigorous quality control so that it is professional, impartial and accurate. Adequate numbers of skilled staff with a keen appreciation of the legal, financial and operational frameworks within which election tasks are conducted will facilitate good practice in oversight duties. The findings of oversight bodies need to be objective and targeted towards encouraging improving EMB services.

CHAPTER SUMMARY

- Accountability to its stakeholders aids EMB transparency and good governance, and positively influences the general public's perception about the EMB's professionalism and impartiality.

- 'Informal' accountability through regular communication with stakeholders, and formal performance and financial accountability mechanisms, are all necessary, complementary measures, ensuring that an EMB is accountable for compliance with the law, financial probity, operational integrity and effective customer-focused activity.

- Performance accountability is both internal and external. Internal measures include management monitoring and the use of internal audit to examine performance issues. External measures can include external reviews and requirements for reporting to stakeholders such as the legislature. Wide distribution of EMB reports can make a broad range of stakeholders aware of the EMB's challenges and achievements.

- An EMB is similarly internally and externally financially accountable. Internal measures include financial reporting and control mechanisms, and regular internal audits. External measures include external audits and regular provision of audited financial statements to stakeholders such as legislatures and donors, and review by an appropriate body.

- The use of technology-based systems, especially for voting and the counting of votes, places additional accountability requirements on EMBs, as these systems may not be transparent to or easily understood by stakeholders. High levels of quality and integrity assurance, including evidence of transactions, must be maintained.

- In order to assure stakeholders of the effectiveness and probity of its performance, an EMB may use a variety of measures including pre-implementation and real-time quality assurance controls, and later audit, evaluation and external oversight mechanisms. Use of peer review processes can give added credibility to audit and evaluation findings and recommendations.

- Evaluation is the analysis of the electoral framework as a whole, while audit is a method used to analyse/evaluate specific issues inside the framework. Evaluation can encompass an audit, but an audit cannot encompass an evaluation.

- Performance and financial audits can identify good practices being used by an EMB, deter and detect fraud, corruption and malpractice, and identify how an EMB can improve its methods of complying with financial requirements, and improve its operational performance and institutional integrity in order to meet the objectives of its strategic plan.

- Performance audits assess the economy, efficiency and effectiveness of an EMB's activities, and can have a significant impact on improving an EMB's quality of service, cost-effective use of resources, and strengthening of electoral management. The impact of financial audits can be to improve internal financial controls, and promote compliance with the relevant rules and the efficient use of financial resources.

- As well as audits, an EMB may undertake programme evaluations of specified parts or all of its activities. Programme evaluations examine not just how well the EMB has done what it intended to do, but whether the EMB's strategic objectives are appropriate for its environment and meet the needs of its stakeholders. They assess how an EMB's activities could be improved to better meet these needs in an economical, efficient and effective manner. They are an effective way of assisting EMBs to meet the challenges of a changing external environment.

- Well-planned post-election reviews are particularly useful to EMBs. Recommendations from these reviews can feed into internal EMB policy and procedural reform, and EMB advocacy for electoral framework reform, throughout the electoral cycle.

- Independent external oversight of an EMB may be through external audit or evaluation, by a standing committee of the legislature, or by a specially appointed ad hoc body. To be effective, it needs access to all relevant materials and personnel, a strongly independent, impartial and professional culture, and rigorous quality controls.

CASE STUDY: Information Technology

Elections and Technology

Sean Dunne

Technology Systems and Elections

Over the past 20 years, electoral administrators have readily adopted two main types of technology into the electoral process: database systems (to support voter registration systems) and geographical information systems (GIS, for re-districting and logistics planning). It should be noted that, while they have brought great benefits in efficiency and effectiveness to the electoral process, these earlier technology adoptions were drawn from other fields, where the technology had been thoroughly and rigorously developed and tested. In comparison, the emerging field of electronic voting (e-voting) is new and exists primarily within the field of public and private electoral administration.

In a fully electronic voting system, voter identification, voting, the counting of votes and the transmission of data would all be performed by electronic and digital equipment without human processing. As yet, no country has achieved this level of modernization at the national level of election administration. However, systems that combine the use of manual processes and electronic technology (hybrid systems) offer a wide range of solutions, several of which have been used in a number of countries. The combination of these manual and electronic processes into a suitable hybrid system is influenced by a wide range of factors, and may arguably be considered unique in any given country.

One basis on which to compare the degree of automation of different systems is the 'trusted code base' (TCB). The TCB refers to the amount of computer code that is necessary to support a particular system. Simply put, the larger the code base that is required to support a system, the more complex it is and the more vulnerable to accidental or intentional manipulation. The 'trusted' aspect of this computer code refers to the degree to which it has been rigorously tested and accepted as accurate and correct.

Internet-based systems – those connected to the World Wide Web – raise significant security and technology-related concerns. Security issues relate to the exposure of the system to an unknown threat environment with similarly unknown threat capabilities. This environment includes not only national actors but also, by virtue of the online environment, foreign governments and hackers. Internet-based systems have the largest code base requirements. Moreover, as these systems communicate over the Internet travelling through public routers, certain parts of the code base cannot be considered trusted.

The two main types of technology being introduced in the polling activity of elections are direct recording electronic (DRE) systems and optical scanning technologies.

DREs are systems that allow voters to input their vote directly into the system, normally via a touch screen or keypad device, and the votes are automatically tabulated. These systems can also incorporate a sub-system to integrate directly with a voter registration card that has a unique identifier built in, for example, on a magnetic strip or a code that can be manually entered via a keypad. DRE systems normally have a requirement for a medium-to-high code base.

Optical scanning technologies relate to the scanning of ballot papers, where a voter's choices are indicated by a circle, oval or rectangle being filled in, in pen or pencil, on a standard printed ballot paper. These systems are not unique to electoral administration and are commonly called 'bubble forms' (due to circles being regularly used), which are used in several countries for national student examinations involving multiple choice questions. The TCB requirements for optical scanning technology systems are usually small in comparison to other solutions.

Electronic Voting

There are several challenges for an EMB that is assessing the benefits of introducing electronic voting. At the outset, these challenges include securing the resources necessary to effectively control and manage the evaluation and/or development process, as well as a clear mandate from government for one body to be solely responsible for the management of the process. This latter feature has become increasingly prominent, as competition among private-sector vendors of e-voting technologies has led to aggressive methods to introduce their products into new markets.

Depending on the circumstances in the particular country, electronic voting can require corresponding amendments in a number of areas (several of which may be outside the sole purview of the EMB), including the electoral law; the laws governing the rules of evidence (how evidence may be presented before a judicial body); investigative capacities; regulations and procedures for dispute resolution; the structure, staffing and core competences of the electoral authorities; the voter registration process; the candidate/party registration process; the training of electoral officials; the regulations for electoral observers; and the tabulation and announcement of results. Moreover, it necessitates dedicated programmes of consultation (with political parties and civil society) and a broad process of voter education.

Accordingly, the introduction of e-voting is normally viewed as a major reform to the electoral process. Where it has been introduced successfully, this has been done as a gradual process, with a pilot programme and phased adoption over several elections, allowing candidates/parties, voters and the electoral authorities to adapt to the new technology. This gradual approach allows for modifications to be made progressively and for the process to be halted if unforeseen difficulties arise.

There are many claims associated with electronic voting, such as that it increases voter turnout or improves security. However, there are few statistical studies of the impact of these systems on the electoral process and on corresponding political practices. Moreover, there is little evidence at this time to support claims that a particular technology will have the same impact in one country as it does in another. Thus, as with the process of electoral reform in general, the value and benefit of e-voting should be measured against the unique circumstances in which it is being proposed.

In general terms, electronic voting is associated with the following benefits:

- Symbolically, e-voting can be associated with the degree of modernity of a country.
- It allows multiple ballot 'papers' to be available at a polling site while avoiding regular logistical difficulties.
- It can make it impossible for voters to spoil their ballot 'paper' and to cast a spoilt ballot paper (a ballot that is not valid), whether accidentally or intentionally.
- It can permit photographs of candidates to be included on the ballot 'paper' at minimal cost (which assists with voters whose levels of literacy are low).
- It allows for the rapid tabulation of votes, which can be available within minutes of the closing of the polls.
- It can remove the possibility of some types of human error or fraud associated with manual voting processes.
- It can give illiterate or disabled voters more independence in casting their vote.

Main Issues

System Evaluation or System Development

A fundamental decision for electoral administrators is whether to seek a ready-made e-voting solution or to pursue the development of a customized system. A ready-made system that is adopted, by definition, will require changes in the electoral process to incorporate the system. In contrast, a customized system will more readily fit into the electoral process. However, customized system development is a more lengthy process and poses extra challenges in managing the development process, as opposed to the simpler evaluation process.

Since the 2000 presidential elections in the USA there has been a rapid expansion in the development of ready-made electronic voting systems by private vendors. This was further stimulated by the subsequent Help America Vote Act (HAVA), which made around 3.8 billion US dollars (USD) of federal funding available for the upgrading of US voting technologies. These systems of various configurations are generally offered to electoral authorities as 'off-the-shelf' hardware solutions. However, they can be customized to a certain degree by modifications to the software that operates these systems.

In contrast, Brazil's national adoption of e-voting evolved over several years and was a customized development, where the federal electoral authorities defined specific and extensive requirements. Supported by other specialized areas of government, the electoral authorities then issued a call for proposals from the private sector to design and produce an electronic voting machine. A successful bidder for the contract to produce the machines was then selected through a competitive process of testing and analysis.

Total Cost of Operation

One of the main claims offered in support of introducing electronic voting is that of cost-effectiveness. However, traditional system developments in the computing field suggest that the initial capital investment to purchase a system can be as low as 25 per cent of the cost of the system over its expected lifetime. Subsequent costs that must be considered are those of voter education campaigns, maintenance, repair, secure warehousing, reprogramming, upgrading, staff recruitment and retention, audit and verification, temporary polling staff training and equipment replacement. Also – specific to the nature of the e-voting solution selected and its expected lifetime of use – it must remain secure in the face of other technological advances.

This can impose a lifetime limitation on certain technologies, estimated at 10 to 12 years, after which a new system may need to be installed.

Security

A central discussion within the electronic voting debate is the issue of security and its vulnerability in the presence of computer code, as outlined above in the discussion on the trusted code base. It is strongly recommended that the electoral authorities have ownership (complete access and control) over the source code for any e-voting machinery they employ. This usually involves two main code bases: the operating system (which runs the machine) and the application software (which is the program being used). To ensure that this requirement is met, the operating system is usually an open source operating system, such as BeOS or Linux. Other operating systems that are not open to inspection and customization for copyright reasons cannot be considered 'trusted' in this context.

The automation of polling processes by the incorporation of technology can mitigate certain types of security threat, such as certain types of tampering by polling staff. However, it is recognized that, while removing vulnerability to some types of fraud, technology creates new vulnerabilities. This is a heightened concern when the system is networked and centralized. In these cases, vulnerability to internal fraud is greatly increased and the impact of that fraud can be drastic. The introduction of technology may therefore require new 'check and balance' procedures to be introduced within the internal administration of the EMB.

Audit and Verification

To ensure that electronic voting equipment has the confidence of the electorate, a process of visible audit is normally required. Audit processes may occur prior to, during and after the polling event of an election. The means by which the audit is undertaken is a key decision for the EMB. Ultimately, the goal of the audit process is to assure the EMB itself, political contenders and voters that the system is accurate and secure. In some countries, electoral authorities or vendors have placed their source code for a system on the Internet so that anyone who wishes can assess the reliability of the software. Several options exist for these purposes, including one or more of the following:

- the EMB maintaining an internal unit for the purpose of audits;
- involving a trusted third party, such as a multilateral international organization;
- using an independent contractor, contracted for the purpose of audit;
- using open verification, where the system is made accessible to political parties, electoral observers and civil society to test and audit the operation of the system; and/or
- using another governmental institution to provide an auditing function.

In conjunction with the audit process there is the ongoing concern of the difficulty of verifying the tabulation done by a DRE voting system. Without a paper trail, if a failure occurs or allegations of manipulation arise, most DRE systems do not provide a means by which to verify the result. This concern is at the heart of the 'paper trail' debate that surrounds electronic voting. One approach to this issue is that the DRE produces a paper receipt for the voter that is placed in a regular ballot box. In the short term this may be a desirable confidence-building measure; however, in the longer term, it may be argued that under this scenario the machine has

simply replaced a pen – at much greater expense. Other approaches have sought to incorporate three or more independent tabulation systems, built in to the design of the system. These three independent tabulations can then be compared at the end of polling. Moreover, regular polling procedures may also be applied, such as the exclusion of a machine's results from the final election count if it is challenged and the challenge is not resolved, followed by re-polling at a later time.

Dispute Resolution

A major impact of introducing electronic voting systems is the impact on existing electoral dispute mechanisms. The challenges that arise in this context are the securing of evidence and the mechanisms by which disputes are to be evaluated and resolved. In some countries, where electoral disputes are handled by the judicial system, these matters may be subject to special provisions, requiring legislative amendments. Also, to investigate these matters effectively may require specially trained personnel within the EMB or the national law enforcement agency. At the outset, the existing rules of evidence pertaining to electronic or digital evidence should be reviewed to assess the need for special measures or amendments.

Interconnection with the Electoral Register

The collaboration between an electronic voting system and the means by which a voter's identity is verified is a core concern in assessing the suitability of a technology solution. As noted above, most e-voting systems are a hybrid combination of manual and automatic processes. In many cases, the process of voter identification is still a manual activity. To integrate the two systems normally requires that technological upgrades be made to the voter registration system, so that it 'interlocks' with the e-voting system. Also, a major factor in the integration of these processes is whether a voter is allocated to a specific polling place to cast a vote.

Transmission of Polling Results

In any secure communication system, information to be transmitted should be sent via three different media, for example, via the Internet (as an encrypted message), by facsimile transmission and by hand. If any information is changed during transit over any one medium, when it is reconciled with the other two transmissions, any error can be readily detected and resolved. A benefit of e-voting systems is that the tabulation from an electronic system is already in a digital form. Thus it can be easily transmitted over the Internet, printed as a pre-formatted facsimile and, if available as removable media, physically transported.

Contracting of External Service Providers

In considering the introduction of electronic voting technologies an EMB must determine whether the system will be maintained internally, depend upon other government authorities or rely on external service providers for certain services. If a decision is made to internalize the process this can require significant changes to the structure, staffing and functions of the

electoral authority. One of the main concerns in this area is the recruitment and retention of skilled staff who may later be sought after by private-sector vendors after they have gained experience and training in the implementation of such systems. If external service providers are used, contracts should be clear on actions to be taken if the company goes bankrupt, seeks to increase the cost of its services or is bought by a competitor. Also, if appropriate, contracts should stipulate that the company provides training to electoral officials for the ongoing maintenance and operation of the systems adopted.

Transparency and Electoral Observation

One impact of adopting electronic voting solutions is the lack of transparency associated with the polling exercise for electoral observers. Without invasive techniques, the process can become opaque for electoral observer groups, which may cause criticisms of the process. This issue may be addressed by allowing electoral observer groups to conduct independent audits of the e-voting systems prior to polling and after polling. Alternatively, electoral observer groups may be provided with independent audit reports as outlined above in the subsection on audit and verification. In some countries, this transparency concern has been a principal argument for retaining manual systems.

The 'Digital Divide'

Technology can be strongly associated with several social divisions. Usually, the adoption of technology is associated with demographic groups that are urban-based, wealthy and young. Through day-to-day exposure to various technologies these demographic groups are considered more conversant and comfortable with electronic voting solutions. In some circumstances, this association can lead to allegations that e-voting will disproportionately benefit those political parties that are supported by technology-literate constituencies. While there are few or no available studies to prove this correlation, political parties may raise the issue and allege that there is an intentional bias behind the proposal to introduce the technology. In part this concern may be addressed by ensuring that intense voter education campaigns are designed and implemented to familiarize all voting demographic groups with the technology. In some countries this has been done by using e-voting machines for private elections held for sporting or social clubs.

Recommendations

As in any electoral reform process, the introduction of electronic voting should be considered a sensitive exercise and the adoption of these systems should be subject to full processes of political and civil consultation and consensus building. The uniqueness of each country's electoral process means that in determining the appropriate solution the political, historical, cultural and religious factors that shape its elections must be considered. In these circumstances, the determination of an appropriate technology solution cannot be addressed in isolation and must be judged in terms of its impact on the overall credibility of the electoral process.

To this end, a clear and unambiguous definition of the problems that e-voting will attempt to address is necessary. Once defined, the specifications of a system should be outlined that will resolve the problems identified. Following the specification process, the range of solutions that

might be available can be considered through a vendor demonstration event. In this scenario, producers of e-voting systems can be invited to demonstrate their solutions to the electoral authorities, political parties and civil society representatives. It is important that these events be conducted with a pre-established set of benchmarks upon which to evaluate the suitability of the demonstrated systems. On the basis of these events, the electoral authorities can determine whether to adopt a ready-made solution, pursue a fully customized system or reconsider the initiative.

It is recommended that:

- Any solution adopted should try to meet the requirements with the smallest necessary TCB.
- The EMB should be the owner of the source code for the system.
- Any system that is adopted should be assessed in terms of the projected total cost of operation of the system over an agreed lifetime of operation.
- The arrangements for the maintenance and operation of the system should ensure that the system can be cost-effectively sustained.
- The process of adopting this form of technology should be undertaken in a planned, gradual way.

Conclusion

The ultimate test of any electoral process is the confidence and acceptance of the electorate and political competitors that it will provide a fair and accurate result. Sufficient resources and a clear mandate for the EMB to manage and control this process are essential. Furthermore, experience has shown that the process by which these systems are incorporated into the electoral administration and socialized is as significant as the technology itself for achieving the successful adoption of these systems into the electoral process.

CASE STUDY: Vanuatu

Vanuatu: Limitations to the Independence of the EMB

Jeannette Bolenga

Background

The independent Republic of Vanuatu has a Westminster-style constitution and a 52-member unicameral Parliament elected by the Single Non-Transferable Vote (SNTV) election system. In parallel to Parliament there is an elected 22-member Malvatumauri National Council of Chiefs, which has a solely advisory role in areas relating to Melanesian indigenous values, custom and tradition. This body has no women members, despite the existence of women chiefs in many communities.

The independent Electoral Commission is responsible for the conduct of parliamentary, provincial and municipal elections and has a supervisory role for elections to the Malvatumauri. The six provinces and two municipalities of the country are delimited into six single-member and 11 multi-member electoral districts, containing altogether over 309 polling stations. There are severe disparities between the electoral districts in terms of size of population, resources and geographical features. Out of a total population of 205,754 as of July 2005, 133,497 people were registered electors.

The rate of re-election of incumbent members of Parliament is high. Some members have retained their seats since the first-ever general election in 1979, held in preparation for independence in 1980. Four women have been elected to Parliament, including two elected in 2004.

Historically, the first elections for the Port Vila and Luganville municipal councils were held in August 1975, followed by elections in November 1975 for the Representative Assembly, which replaced the earlier Condominium Advisory Council. Universal suffrage was achieved on 29 November 1979: article 4(2) of the constitution gives the franchise to all citizens reaching the age of 18. A voter can stand for election at the age of 25. The general election of 7 July 2004 was the seventh conducted by the Electoral Commission, which was established by the constitution at independence on 30 July 1980.

There are two types of voting, the ordinary and the proxy vote. Proxy votes can be obtained upon application up to 72 hours before polling day. Each voter can be the proxy for two electors who are unable to cast an ordinary vote.

Institutional Framework, Powers and Functions

The 1980 constitution, signed on 5 October 1979, and the 1982 Representation of the People Act (CAP 146) as amended provide for all matters relating to democracy, its institutions and elections. Article 20 of the constitution specifies the powers and functions of the Electoral Commission to oversee the conduct of voter registration and elections to Parliament, the Malvatumauri National Council of Chiefs, and provincial and municipal councils; to announce election results; to promote public awareness and the provision and development of information for the citizen and voter education; to provide policy advice to the Minister of Internal Affairs, the government, the Parliament, and other departments and agencies; and to conduct research into electoral issues. The Electoral Commission has powers to override the decisions of the principal electoral officer (PEO) or dismiss a voter's appeal on his registration; to declare candidates endorsed for elections; to declare a candidate elected unopposed; to declare a vote null and void at the official count; to declare recounts for contested results and appeals; to declare candidates duly elected as members of Parliament; and to make appropriate orders for the conduct of voter registration and elections. The Electoral Commission has a chair and two other members who are appointed by the president for a term of five years on the advice of the Judicial Service Commission (JSC). All members were men until 1998 when a woman was appointed and another serves on the current commission. Members receive sitting allowances appropriated by Parliament under the Electoral Office Budget.

The Electoral Commission is assisted by a secretariat, called the Electoral Office, headed by the PEO. According to article 19 of the constitution, the PEO and all other electoral officers are public servants. Their duties and responsibilities are set out in the constitution and the Representation of the People Act. Staff capacity has always comprised a PEO, a compiler, an assistant compiler and an office assistant. Although these positions are permanent the former PEO occupied it on a temporary basis for six years (1997–2003). The current PEO and office assistant are permanent staff, while the compiler and his assistant are on acting appointments since 1 January 1999.

Under article 4(3) of the constitution, political parties are free to form and contest elections. Registration is not mandatory and there is no legal provision for the registration of political parties, although the PEO maintains a register. Some political parties choose to register under the Charitable Organizations (Incorporation) Act, and in the 2004 general election only five out of 17 political parties were registered. Eligible candidates for parliamentary, provincial, municipal and Malvatumauri elections are considered and endorsed by the commission through a legal instrument.

For voter registration, the PEO appoints provincial and municipal executive officers as registration officers (ROs), who through their administrative structures appoint area council secretaries (ACS). The ACS appoint their assistants to undertake registration. The ROs and their assistants claim hourly allowances which are paid by the Electoral Office. In this way, the Electoral Commission and the PEO are able to effectively oversee the conduct of annual registration and elections from a distance. Voter registration takes six months to complete before the electoral register for each polling district is established by the PEO on 1 July of each year, as specified by section 20(2) of CAP 146. Eligibility to vote and registration are not automatic. Each voter is required to produce two witnesses to confirm their eligibility in the polling district of their residence to the ROs. The provisional electoral list is established about mid-May and dispatched to the provincial, municipality and area council headquarters for public inspection at the request of voters for a period of not more than 14 days, which must end on 15 June each year (CAP 146, section 16(2)(c)). Electors have an opportunity to inspect the provisional register, petition the PEO for wrongful omission, and/or appeal against the decision

to the Electoral Commission. Registration and voting are voluntary.

Under the constitution, the Electoral Commission is independent. It is not easy for any government to direct its work or abolish it as it does with other government departments. The commissioners work independently of the government. Despite its statutory independence, however, significant limitations exist, caused by issues of access to budget funds and the recruitment and termination of the appointment of electoral officers. The government may take the opportunity to try to compromise the neutrality of the Electoral Commission through ministerial pressure, or directly inhibit its operations, for example through the budget process. The overlapping and multiple lines of authority for reporting also impact on the good intentions of the Electoral Commission and the PEO in ensuring effective electoral management (see the section on accountability below).

Financing

The Commission and its Electoral Office are financed through an annual appropriation from Parliament. Budget submission requirements and procedures are covered under the Vanuatu Government Financial Regulation Act. While this budget is substantial in an election year, it is never adequate to cover all election costs. As the Vanuatu Elections Observer group put it in their 2002 report, the Electoral Commission was significantly under-resourced and lacked sufficient funding to undertake a national public education campaign informing citizens of their basic democratic rights and freedoms.

There is also a tradition of donor funding of certain aspects of the election process. For the 2002 general elections the European Union funded the printing of ballot papers to the sum of 10 million vatu (VUV) as the initial election budget of 40 million VUV was reduced by the Ministerial Budget Committee (MBC) to 30 million but only 25 million VUV was appropriated by Parliament. In 1998 the Electoral Commission entered into a partnership with the Wan Smol Bag Theatre in producing and performing the Election Play throughout Vanuatu in villages and schools, with funding from the British Government. The play and the radio slots were developed after consultation with the PEO and in collaboration with the Electoral Office.

Accountability

In terms of financial accountability, the PEO is accountable, as required by the Vanuatu Government Financial Regulation Act, to the Ministry of Internal Affairs, the Ministerial Budget Committee and the Parliament. As a public servant the PEO is also accountable to the Public Services Commission (PSC). There are thus overlapping and multiple lines for reporting. The PEO reports to the Electoral Commission, the PSC, and the minister and director-general of the Ministry of Internal Affairs. These arrangements have had a negative impact on long-term capacity-building and institution-strengthening initiatives because they create confusion and conditions that are conducive to conflict, duplication of effort and political interference.

The Professionalism of Electoral Officers

Electoral officers are qualified public servants in their own right prior to becoming electoral officers. Professionalism is acquired on the job. Electoral officers gain in competence and improve

their performance as a result of gaining knowledge and understanding of the constitution and the electoral legislation and by actually performing their registration and polling duties.

Recruitment and Training of Polling Officers

Returning officers for each province and municipality are appointed by the PEO, and they in turn appoint polling officers for polling stations in each electoral district. Polling officers are recruited on a voluntary basis following open appeals to interested citizens on the national radio and newspapers, and are confirmed after attending half-day training sessions on the voting procedures and rules conducted by the Electoral Office. The polling team comprises the presiding officer and two polling clerks. The use of teachers and community leaders as polling officers helps in promoting public interest in the election process. However, polling officers tend to be recruited along political party lines depending on which party dominates the province or the municipal council, and there have been allegations of lack of independence, transparency and accountability. The Electoral Office is currently developing a more independent and transparent recruitment system.

Relationship with the Media

There is almost no formal recognition of the role of the media as a forum that can contribute positively to effective electoral administration, voter education and credible elections. The radio is the main medium for communication and the dissemination of election information. Weekly and daily newspapers and television are restricted to the urban centres of Port Vila and Luganville where the percentage of the educated and literate in the population is high. However, over 80 per cent of the population live in rural areas, and indigenous mechanisms for transmitting important election and campaign information have proved more reliable than state facilities, which have often failed.

Politicians and candidates have equal opportunities to use the media. However, those who can afford to publish and to pay for screen and air time have greater access and use it to their advantage. There has been no research to verify allegations of partisan reporting or unbalanced reporting in news coverage.

On polling day, only those with accreditation from the PEO may enter polling stations. The media – like the international and domestic observers – were able to observe the official count for the first time ever in the general election of 2 May 2002.

Relations with Other Institutions and Agencies

The Electoral Commission has cordial relationships with other state, corporate and civil society organizations (CSOs). However, engaging other institutions in electoral development initiatives has not been easy, even with those that have general responsibility for certain services; for example, the Ministry of Education has not been able to develop appropriate curricula for school children and young adults in secondary schools. This may be due to a lack of understanding on the ministry's part that it has a joint responsibility, together with the Electoral Commission and other stakeholders, to promote civic education.

Some positive relationships have, however, been established over the years. For example, in the absence of ongoing voter education programmes, political parties, CSOs, candidates and

voters have taken on the responsibility of educating their members and families, and the EMB has cooperated with other stakeholders in such initiatives.

In 1998, the Ombudsman's Office issued official statements on freedom of movement, choice, speech and association, supporting human rights and democracy, in connection with concerns raised by community leaders and political parties and candidates in some communities on restrictions imposed on campaigning.

Transparency International (TI) Vanuatu and the Electoral Commission cooperated with international and domestic observers during the 2002 elections. Since 2003, through European Union funding, TI Vanuatu has been collaborating with government departments and CSOs in developing citizen awareness curricula and materials. In 2004 the Vanuatu Education Policy Advocacy Coalition (VEPAC, a loose coalition of NGOs, CSOs and individuals who seek to bring about changes to education policies to meet the education needs of all members of society) initiated and staged an Education Forum where parties and candidates presented their education polices to voters and the public in Port Vila.

The Sustainability of the EMB

Minimal effort has been put into ensuring the sustainability of the EMB. Political will is difficult to secure and budgets for long-term development and reform, although realistic, have not been approved. The political culture in place lends itself to criticism of politicians as being only readily available to negotiate a supplementary budget for elections if the result will promote their own careers. Capacity building in terms of setting institutional priorities, training, mentoring and feedback is adversely affected by consistently inadequate annual budgets and lack of trained and available human resources. A restructured permanent Electoral Commission would be needed, with the powers and the human and financial resources to undertake reforms to strengthen and improve electoral administration.

Electoral Reform Management

No major reforms have occurred over the past 25 years, although the Electoral Commission has endorsed several proposals for reforms aiming to serve the voters and introduce impartiality, transparency, accuracy and professionalism into electoral administration. Political will on the part of both government and Parliament is lacking.

In particular, it has been difficult for government to secure the funding required for a computerized voter registration system – a European Community (EC) initiative of 1990 to improve the voter registration system and the maintenance of the electoral register. The project has been on the Electoral Office's annual budget submission since 1997 and every year so far it has been deferred.

Vanuatu has a history of inflated electoral registers since the 1970s, when they were compiled under the Condominium administration for two municipal council elections, for the Representative Assembly elections in 1975, and in preparation for the 1979 general elections. They remained heavily inflated at independence in 1980 and were updated in 1983. In preparation for the 1987 elections they were totally redone in 1985 and 1986, and they were updated each year until the 1991 elections. In 1992 new registrations were undertaken for the purposes of computerizing the electoral registers. The registration system was grossly abused in the colonial period and has been so since 1991 – and even more so now in this era of the

splintering of political parties and factions – to ensure that certain parties and leaders retain their seats in Parliament.

Three days after the 7 July 2004 elections, the ballot boxes and papers for two constituencies (Tanna and Other Southern Islands) were seized, even though under police escort, at the air terminal on Tanna and burned by frustrated voters and supporters of two losing candidates. The episode was associated with the anomalies of multiple registration of voters and abuse of the proxy vote.

A computerized system might ensure concise and accurate electoral registers, with each voter registered only once. It could also tackle the problem of abuse of the proxy vote, and the government would save on the cost of printing the ballot papers associated with the SNTV system. Another reason advanced for computerizing the electoral registers was to increase the turnout on polling day in the urban constituencies of Port Vila and Luganville. The government endorsed a system that would have been similar to the computerized government payroll, but funds were diverted elsewhere. Since then, while the Ministerial Budget Committee has claimed that the new system is important and is appropriate for Vanuatu, it has deferred parliamentary consideration each year.

Many issues of the credibility of elections thus remained outstanding in 2006.

CASE STUDY: Nigeria

Nigeria: A Need for Modernization

Carl Dundas

Nigeria achieved independence from British colonial rule in October 1960. The first post-independence national election was held in 1964 and the resulting government lasted until January 1966. Between 1966 and 1998 there were seven military regimes and two democratic administrations.

There were a series of electoral commissions after independence. The National Electoral Commission was replaced in the early 1990s by the National Electoral Commission of Nigeria, which was in turn replaced in 1998 by the Independent National Electoral Commission (INEC). INEC was charged with the task of planning and conducting national democratic elections.

The 1999 constitution and the Electoral Act of 2002 govern the legislative framework which applies to elections. The constitution has provisions dealing with the establishment of INEC and with electoral tribunals, as well as with the delimitation of electoral district boundaries and the registration of political parties.

Institutional Structure

Nigeria has a federal system of government with different tiers of jurisdiction involving several levels of elections – presidential elections; elections at federal level for the Senate and the House of Representatives; at state level, the elections of governors and state legislatures; and local government elections. INEC is responsible for all elections except local government elections. It consists of the chair, who is the chief electoral commissioner, and 12 other members. The chair and members of INEC are appointed by the president, who must consult the Council of State, and the appointments are subject to confirmation of the Senate.

Powers and Functions

The principal powers and functions of INEC are to organize, conduct and supervise all elections at the federal and state levels, and to register political parties in accordance with the provisions of the constitution and the Electoral Act. INEC is also responsible for the delimitation of electoral district boundaries.

Financing

There are two practical issues relating to the funding of INEC – the approval of election expenditure and the disbursement of the approved funds on a timely basis. The salaries and allowances of commissioners are charged directly on the Consolidated Revenue Reserves, but election expenses are not. INEC therefore has to join the queue at the Ministry of Finance and Treasury. The disbursement of funds to INEC has not been timely and this has contributed to the lack of confidence in the electoral system in Nigeria. The delay of almost two years in the voter registration exercise in 2000 was blamed largely on the lack of funds.

Accountability

The legislative scheme for elections in Nigeria does not expressly place accountability requirements on INEC, but oversight mechanisms do exist in the National Assembly in the form of committees of the Senate and the House of Representatives on electoral matters. These mechanisms have not proved adequate, however, to ensure effective reporting by INEC and full accountability.

The Professionalism of Electoral Officers

INEC, having been established only in 1998, inherited a patchy record of democratic experience of organizing multiparty elections from its forerunner electoral management bodies. Moreover, it has not recruited and trained its electoral staff to the level required to manage electoral organization along modern lines; it has relied instead mainly on the continued use of civil servants who follow civil service practices, work ethics and culture. Approximately 500,000 temporary election staff are needed for each election. There are approximately 2,000 staff at headquarters and over 6,000 permanent staff in the states.

Relations with Political Parties, the Media, and Other Institutions and Agencies

The relationship between INEC and the opposition political parties has been poor. Perhaps the most significant reason for this is a lack of transparency on the part of INEC. This has been aggravated by the weakness of the public relations programme and a failure to meet important deadlines, such as those set for the registration of voters and completion of the electoral register, as a result of untimely disbursement of funds to INEC by the government.

INEC has a framework within which to regulate media behaviour during an election campaign. The Electoral Act states that INEC may determine rules and regulations for election campaigns with respect to a candidate and his party (section 29), but also lays down several rules which the electronic and print media are required to observe, failing which they incur stiff penalties.

The relationship between INEC and stakeholder institutions and agencies has been mixed. Its relationship with the governing political party, the government and the executive branch has been described at times as too close and as compromising INEC's independence. Its relationship with the legislature, although normally good, was not enough to generate sufficient influence to

gain support for the reforms that INEC proposed to the 2002 Electoral Bill, before it became law. Civil society groups have mixed views about the quality of their working relationship with the EMB.

Electoral Reform Management

Following widespread criticisms of the manner in which the 2003 elections were managed and organized, INEC took the initiative in convening a series of workshops and seminars to discuss with stakeholders necessary electoral reforms. As early as July 2003, INEC also invited the Commonwealth Secretariat, IFES and the United Nations Electoral Assistance Division to undertake a review of the country's electoral arrangements and make recommendations regarding electoral reform.

Nigeria has the potential to sustain its electoral process through its own resources, although currently it obtains considerable assistance from bilateral donors and international agencies, both governmental and non-governmental. There is a need to make elections more cost-effective – a point that was emphasized by the president of Nigeria at an election seminar at the headquarters of INEC in December 2003. There is a need for modernization in many aspects of electoral organization and management in Nigeria, at the headquarters of INEC and at the principal offices in the states.

The 2003 elections were the first successful elections in Nigeria in that one civilian administration succeeded another. The major constraint on building a sound basis for the proper organization of multiparty elections is the lack of modern election management practices. Lack of professionalism among the electoral staff is another constraint. Finally, failure to approve budgets and disburse funds in a timely fashion remains a major obstacle to good electoral management.

Chapter 10

Chapter 10

The Sustainability of EMBs

What is Sustainability?

480. Despite the axiom that 'you can't put a price on democracy', making democratic elections more sustainable is a principle to be embraced by all EMBs. The need for cost reductions in elections results from the rising costs of election goods and services – including the use of new technologies, dwindling public-sector budgets, the increasing frequency of elections for different levels of political institutions, and also the tough competition among poorer countries to access international donor funding. The euphoria surrounding a successful, well-funded transitional election needs to be tempered by the reality that similar levels of funding may not be available for future elections.

481. In the context of elections, sustainability refers to electoral policies and practices which are cost-effective and realistic, and meet the needs of stakeholders in the electoral processes both now and in the future. Sustainability aims to minimize reliance on external inputs and resources. EMB sustainability is not only defined in financial terms; it includes the social and political returns on its activities. For example, a post-conflict poor country may use expensive voting systems and procedures which, in economic terms, may not be sustainable, but in political terms may be essential in the short term to build trust among stakeholders and lasting peace and stability in the country. There are several elements to EMB sustainability.

a. An EMB has *institutional sustainability* if its structures and processes enable it to fulfil its mandate and responsibilities in the longer term – that is, over a series of elections. This type of sustainability refers to the adequacy of the electoral framework – the constitution, electoral law and regulations, and administrative and other policies – to enable the EMB to carry out its work in an effective and efficient manner.

b. An EMB has *financial and economic sustainability* if the nature and level of its funding and expenditure are adequate to fulfil its institutional mandate and responsibility.

c. An EMB has *human resource sustainability* if it is able to engage sufficient appropriately skilled staff to manage and implement its systems and procedures.

d. Other forms of EMB sustainability include socio-political and environmental factors, for example, the extent to which EMB policies and practices promote social equality and political inclusion, minimize conflict and promote environmental sustainability.

Why is EMB Sustainability Important?

482. Gearing EMB policies and practices to promote sustainability helps an EMB to enhance stakeholder confidence in the electoral process and in the EMB. For example, governments and donors want to see that the funds they appropriate to the EMB are used effectively, and that there is increasing capacity development within the EMB to reduce reliance on external interventions and inputs, especially donor support. Other stakeholders such as political parties and the general public also want to see sustainability of EMB policies and practices as a way to increase electoral integrity and political participation.

483. The challenge of sustainability is more pronounced among EMBs in emerging democracies, which often rely heavily on donor aid. Economic and political hardships may prevent these countries from being able to fund their own elections wholly themselves. In transitional elections, high integrity costs relating to confidence-building processes such as peacekeeping, voter education and information, and election observation and monitoring, may be financially unsustainable, and are often funded through donor aid.

484. A high level of international assistance for second and third elections in emerging democracies may not result in greater efficiency or effectiveness, even though many of the threats to the initial democratic transition may have receded. As the international political agenda moves on, reduced donor interest may mean that such funding is not even available.

485. Two immediate challenges have been the transfer of authority from international EMBs to fully local (national) EMBs, as in Cambodia and East Timor, and determining how best to ensure institutional sustainability of newly-founded EMBs, as in Afghanistan, Bosnia and Herzegovina, and Iraq.

Needs Assessment

486. The sustainability of an EMB can be addressed through a thorough needs assessment, by which a country informs itself of its current election management capabilities and the financial, human and technological resources necessary to organize and conduct free and fair elections. An assessment may be undertaken by the EMB itself, but may gain in credibility if it is conducted by a private audit firm or an independent NGO. Donors also usually undertake needs assessments in planning assistance programmes.

487. A needs assessment can be used to identify the elements of EMB sustainability at three levels:

a. *system level:*
b. *organizational level;* and
c. *individual level.*

It is normally based on an expert analysis of the electoral environment, and identifies and considers strengths, weaknesses, opportunities and threats.

488. A *system-level* needs assessment covers the broader issues of the legal and institutional environments in which elections take place, in order to determine the extent to which they help or hinder EMB sustainability. It includes a review of all parts of the legal and policy framework relevant to elections, as well as the EMB's functions and stakeholder relationships derived from these. The main legal instruments to be reviewed are the constitution, the laws dealing directly with electoral processes, and the political party laws and other laws relating to institutional frameworks; the subsidiary regulations; and administrative policies. The assessment may need to cover parts of the legal framework that are indirectly relevant, such as citizenship laws, criminal codes, public-sector employment laws or policies, or government procurement rules and practices. It may also address the EMB's linkages and relationships with other bodies, such as the host ministry of a governmental EMB, government ministries which render financial and logistical support to the EMB, and local and international associations, as well as bodies which serve as EMB networks of support and resource sharing.

489. At the *organizational* level, a needs assessment looks at an EMB's strategies and management culture, and considers its processes of planning, policy making and implementation; its management structure; the division of roles and responsibilities; communication and cooperation; and standards for financial reporting and staff performance. It helps the EMB calculate the amount of resources required to organize the conduct of any specific electoral event. The EMB can then work out what portion of the amount needed can be met from the national budget and how much, if any, would be needed from other sources. The assessment may also examine the nature and level of technical assistance required.

490. At the *individual* level, a needs assessment covers issues such as staff competence, available opportunities for staff development, and staff loyalty to the EMB's objectives and mission.

491. Where there is a record of credible needs assessment reports over a period, a comprehensive picture of an EMB's capacity begins to emerge, and it can be more accurately evaluated in terms of sustainability.

Electoral Sustainability and Donor Support

492. Donor support may help to improve the quality of an election, and in some cases may even be necessary for it to occur. However, for many EMBs, donor support has implications for the sustainable delivery of free and fair elections (see the case studies on Afghanistan, Bosnia and Herzegovina, Fiji, Lesotho, Mozambique, Nigeria and Yemen).

493. While donor support may include budgetary contributions and technical assistance, including advanced technologies, some donors avoid supporting EMBs' recurrent budgets, that is, core personnel costs and rental of buildings and furniture, as well as other non-technical items, such as motor vehicles and fuel.

494. Donor assistance is sometimes accompanied by a tied aid concept whereby the recipient EMB is required to purchase goods and services from nationals of the donor concerned. Often the costs of purchasing from external vendors may be considerably higher than the costs of purchasing from suppliers in-country, inflating overall electoral costs.

495. In some post-conflict situations, such as those of Bosnia and Herzegovina, the Democratic Republic of the Congo, Haiti and Liberia, donors contribute almost the entire cost of the transitional elections. In such cases, subsequent elections are unable to achieve the same level of funding and will offer a lower level of election services, which may lead to dissatisfaction with the elections. This raises obvious issues of creating transitional structures that the local authorities can 'buy into' subsequently, and building the necessary expertise to generate the financial resources to conduct future elections. In other post-conflict situations, outside support may be vital, but it may not be politically or economically desirable for outside authorities to assume ownership of organizing and conducting the transitional elections: Afghanistan and Iraq may fall into this category. Failed states and failed EMBs may also require considerable outside assistance from various donors; sometimes the UN plays a coordinating role, as in Liberia in 2004–2005.

496. Donors have responsibilities to ensure that the electoral assistance that they provide to EMBs is effective and promotes sustainability. Key issues for donors to consider in these regards include:

a. coordination of assistance with the EMB and other donors;
b. planning the implementation of assistance to synchronize with the EMB's needs;
c. the appropriateness of any proposed systems/solutions for the EMB's environment;
d. the inclusion of training for the EMB and its staff;
e. the inclusion of EMB staff in the management of donor-funded programmes; and
f. the long-term costs of any systems/equipment provided.

497. The CORE Project notes that Cambodia, which in 1993 relied on donor assistance for up to 80 per cent of its election budget, reduced its donor dependence to less than 50 per cent during the 2003 elections. Although it is desirable to transfer skills to local election officials during the transitional electoral period, in practice this goal has seldom been satisfactorily achieved, so capacity building is likely to be a continuing need in post-transitional elections. In post-conflict environments, the initial external assistance is vital to restore democracy and stability, but unless considerable donor assistance continues to be available in the medium term, to continue to develop EMB capabilities, both the electoral process and democracy itself may experience reverses.

498. New technologies can help to improve the quality of electoral processes, especially where large amounts of data have to be processed quickly, as they do in the delimitation of electoral districts, voter registration, the voting and vote-counting process. An increasing number of EMBs are entering the field of electronic voting and counting of votes. Even some self-sustaining EMBs, for example in Costa Rica, find it necessary to rely on outside assistance to fund the introduction of new technology (see the case study). However, new technologies may have significant long-term cost implications for the EMB, for example, for maintenance or for the payment of regular licensing fees for software. Introducing donor-driven technological solutions may create political demands for progressively greater dependence on externally-provided technology, as was experienced with voter registration in Haiti. Opinions are therefore divided on the question of the sustainability of funding voting computerization, Internet and telecommunication services, and other electoral technology such as scanners and biometrics for voter registration. Aspects to be considered by EMBs and donors include:

a. the comparative financial, social and political costs/benefits of using donor assistance for funding new technology as against using it for other electoral assistance programmes;
b. the life of the technology: will the equipment require similarly expensive replacement at the next electoral event or will it be useful in years and elections to come?;
c. capacities for local maintenance of the technology. If there is no technical or financial capacity to maintain the hardware or software that has been internationally provided, or skills have not been transferred to allow local operation once the international advisers have gone, internationally provided technology can be a very expensive single-use solution;
d. the potential for making the technology available for use by other government or societal organizations after the electoral event, or of lending it to other countries for their elections; and
e. training for temporary electoral staff using internationally provided technology that can be transferred to their post-electoral work environments.

Practices Favouring Sustainability

499. Cost-effectiveness – providing an effective service for the lowest possible cost – is the major yardstick for sustainability, rather than purely lowest cost. Savings cannot be allowed to compromise the basic requirements of legitimate elections. A particular measure to reduce electoral costs may work well in one country but not in another because of differing legal, political and socio-economic circumstances. Although the practice of having a single-member EMB is a useful cost-saving measure, in India it was rebuffed by the Supreme Court as not conducive to fair decision making, thus paving the way for the appointment of a three-member EMB in 1993. It is therefore not possible to prescribe commonly applicable sustainability solutions, only general principles. Significant cost savings can be achieved by holding elections for all levels of representation on the same day. However, the marked political effects of having either simultaneous or staggered elections mean that political sustainability arguments may outweigh financial ones.

Staffing for Sustainability

500. Staffing can be a significant proportion of an EMB's costs, but also represent the EMB's greatest asset. EMB core budgets may be reduced by rationalizing structures, for example, reducing the number of EMB members or secretariat positions. The EMBs in Cambodia and South Africa undertook rationalization exercises during 1999 and 2002, respectively. The maintenance of only a small core of permanent staff, backed by well-trained temporary field staff, can reduce costs while still maintaining efficiency. For smaller EMBs, that of Fiji (see the case study) shows that core election staff can be kept to a minimum and remain functional. There are management tools, such as task profiling, that the EMB can use to determine the minimum staff numbers it needs to perform its functions. The EMB would then be required to justify the employment of additional staff on efficiency or effectiveness grounds. Use of temporary, rather than permanent, EMBs can also assist financial sustainability.

501. However, the political and operational sustainability of using personnel-related measures to promote financial sustainability must be carefully considered. For example, significant budgetary savings can be achieved in governmental EMBs, or other EMBs where public servants or volunteers can be co-opted to serve with the EMB (as in India) during an electoral period. While assisting financial sustainability, this type of staffing profile can also have a negative effect on the performance of and public trust in the EMB, and thus the political sustainability of the electoral process. Finding a successful balance may not be easy.

502. Inability to retain sufficient experienced staff can have a negative effect on an EMB's sustainability. Experienced staff, including temporary polling station staff, hold the institutional memory of the EMB – the knowledge of what has and has not worked, and the experience to pass on to new staff and to other stakeholders. Staff retention requires active planning by an EMB, using measures such as reward schemes, professional training and development programmes (see chapter 6 of this Handbook) and opportunities for promotion. Exit debriefings for departing staff may help identify issues of staff satisfaction which may need to be addressed. Advance planning of staff changes, including timely recruitment processes and mentoring of more junior staff, combined with accessible archiving of electoral records, will help the EMB operate sustainably when key staff leave.

Electoral Materials

503. Sound design, procurement and management policies for electoral materials are based on rigorous needs analysis and thus contribute to the sustainability of an EMB's operations. Before procuring materials, EMBs need to determine the most suitable options, after investigating issues including:

a. need – what benefit the desired materials add to electoral processes;
b. local or international sourcing – issues such as cost, control, production lead time, quality, certainty of delivery, maintenance and substitutability;

c. quality – issues such as cost, conditions under which the materials will be used, ability to support integrity standards, and requirements for durability;
d. single or multiple use – issues such as storage and production costs, environmental impacts, including disposal and recycling methods, and opportunities for use by other organizations;
e. complexity – issues such as the knowledge levels of the users, training requirements, and capacity to maintain the materials;
f. quantity – issues such as unit costs, production lead time, storage requirements and needs for reserves;
g. distribution – issues such as costs and distribution time/scheduling;
h. storage and archiving requirements – issues such as cost, accessibility, centralized or decentralized warehousing, asset protection measures and deterioration rate; and
i. disposal – issues such as environmental impacts, end-life value, and security requirements.

504. EMBs have community responsibilities to consider—not just the economic sustainability of materials purchases, but the environmental and social impacts also. Life cycle analysis, which considers the 'cradle to grave' economic, environmental and social costs and impacts of products, can assist an EMB to choose suitable electoral materials. This analysis assesses all material use impacts, not only those related to materials production, but also to those such as opportunities for reuse, the impacts of storage and distribution over the materials' whole life, and the costs of environmentally sound disposal or opportunities for recycling.

505. Rigorous determination of whether special types of materials are really needed, and maintaining tight control of the quantities produced, can assist financial sustainability. Countries such as Cambodia have cut costs significantly by not printing special voter ID cards. Tight audit controls on the printing of ballot papers and other forms for which accounts need to be kept will also help to reduce costs.

506. Existing low-cost materials options may not be fully utilized in new and emerging democracies due to lack of public confidence in an EMB's ability to ensure security and prevent fraud if they were used. For example, EMBs may have to print ballot papers abroad because opposition political parties object to the government printer or local private printers doing this work. On the other hand, Indonesian law requires local printing of ballot papers, the EMBs of Australia, Canada and South Africa use low-cost materials for ballot boxes and voting booths, and Nicaragua uses locally produced ballot boxes, without adverse effects on ballot security. Use of such low-cost materials depends on the EMB implementing sound security management controls.

507. Many EMBs are reducing election costs by sharing resources such as ballot boxes and voting booths. For example, the Ghana EMB lent ballot materials to other EMBs in its region during 2003 and 2004. The South African EMB has provided professional services and shared computer equipment with other EMBs on the African continent. Resource sharing can also take place between the EMB and other government agencies, such as ministries and municipal authorities, in areas such as transport, logistics, statistical data, and related professional services.

508. Experience in the 1990s in countries such as Cambodia and Indonesia has shown that post-election retention of electoral materials and equipment (such as motor vehicles, mobile phones, computers and ballot boxes) may be neglected, resulting in misappropriation or damage. Considerable losses to EMBs are incurred in this way, and the EMB may lose credibility with funders. Effective continuous asset management procedures (see chapter 7 of this Handbook) can prevent this.

Structural and Technological Implications of Sustainability

Electoral Systems

509. Each type of electoral system raises different political, social and financial sustainability issues. The type of electoral system used will have a critical impact on boundary delimitation and voter registration processes, voter education and information requirements, ballot paper design and production, the number of polling days, and the need for by-elections. These issues are examined in detail in International IDEA's *Electoral System Design: The New International IDEA Handbook* published in 2005. For example, systems based on small electoral districts, requiring specific boundary delimitation processes, separate ballot papers for each district, high precision in voter registration and the prevention of electoral fraud, and an EMB administrative structure that is capable of dealing with each electoral district as a distinctive unit, may be more costly. On the other hand, large multi-member electoral districts may involve complex and expensive vote-counting systems, may be unwieldy for an EMB to manage accurately and transparently, and may attract higher transport and other logistics costs. Proponents of each type of electoral system advance social and political sustainability arguments in their favour which need to be examined carefully against specific country conditions.

Electoral Boundary Delimitation

510. The frequency and form of electoral boundary delimitation processes may be reviewed to improve sustainability. Using an EMB to conduct boundary delimitation can eliminate the costs of a separate boundary delimitation body. On the other hand, if the government maintains a mapping office for other purposes, it may not be necessary for the EMB to duplicate that capability. Simple electronic mapping and population databases for determining electoral district boundaries, and streamlined review processes and periods, can be used to reduce costs. The adoption of multi-member electoral districts based on existing administrative boundaries can drastically reduce or even eliminate boundary delimitation costs. However, boundary delimitation is a politically sensitive issue, and also needs to be implemented in a politically sustainable manner.

Voter Registration

511. The cost of compiling and maintaining the electoral register can be significantly affected by the system used and its components. The method of data collection can have significant effects on both the costs and the accuracy – and hence the political sustainability – of the electoral register. For example, data may be specifically collected for voter registration or extracted from an existing database; registration may be continuous, or may be done by a national census-style exercise before an election; it may involve the EMB contacting voters, or voters having to contact the EMB; special voter ID cards may be issued or not; and different opportunities may be provided for electors to challenge alleged inaccuracies in the electoral register. The use of technology in voter registration – in recording elector identity data such as thumb prints and photographs, in the use of bar-coded documents, in database matching to update registration records, or in the production of the electoral registers, for example – will also have significant cost implications.

512. Maintaining accurate electoral registers is a costly task. Each EMB needs to determine which voter registration checks are necessary, and which, given levels of public trust and the controls in place to prevent polling fraud, may be redundant and can be eliminated, thus saving costs. Comparison of data on the electoral register with information from other government agencies can assist in maintaining the electoral register cost-effectively, although it may raise concerns over data privacy. If the electoral register can be derived from a reliable and politically acceptable national civil registration database, as is done in Senegal and Sweden, or if records of births and deaths are computerized and accessible to the EMB, costs can be cut significantly. Continuous voter registration may, in the long run, be another measure to keep down costs.

The Polling Process

513. The preparation for and conduct of polling at a general election or referendum in any country is a significant national event, requiring a considerable budget to be implemented effectively. Careful assessment of how many polling stations, how many staff and what associated materials are necessary for each election can help reduce costs. If security, integrity and effective levels of service can be assured, polling stations in higher population density areas could be amalgamated, providing significant cost savings. Improved allocations of duties to staff, polling station layouts, and staff training may make it possible to reduce the ratio of polling station staff to voters without reducing service levels. Countries which conduct polling over two days may also consider whether keeping the polling stations open for longer on a single day would cut costs. Any proposed reductions in voting days or hours need to be considered against patterns of working hours so as not to exclude any class of electors from voting.

514. Improving voter access and extending common facilities to voters, such as postal voting (as in Australia and Spain), external voting, and the provision of special services for voting in prisons, ships and hospitals, has obliged EMBs to offer relatively higher-cost services to electors. These activities, particularly if they involve large-scale absentee voting for refugees or others – as in Afghanistan, Bosnia and Herzegovina, and Iraq – may be a burden on the financial sustainability of electoral processes. Increases in election costs need, however, to be weighed against the EMB's social responsibilities and the additional political legitimacy gained through enabling these voters to use their franchise.

515. Training EMB staff can be expensive, and is often a cost that governments or EMBs see as a relatively painless cut when reviewing election budgets. Inadequate training is, however, likely to result in greater financial and political costs through poor staff performance – perhaps affecting the credibility of the electoral process – and to have a long-term effect on the reputation and sustainability of the EMB.

Automated Voting and Counting Processes

516. There are a number of automated devices that are marketed as a means of improving voting methods and reducing costs, especially staffing costs. It is claimed that some of the machines offer a high degree of reliability and resistance to electoral malpractice. Many are now capable of providing audit trail facilities. These include electronic voting machines (EVMs) which have been used in countries such as Australia, Belgium, Brazil, the United States and Venezuela over the last few years, and recently for the first time in the whole of India. Although no reliable cost-effectiveness analysis exists on the use of new technology for voting and the count, there is evidence that technology such as EVMs may reduce election costs over time, especially costs associated with the printing and storage of ballot papers and with the vote count. The use of optical mark reading (OMR) devices to count votes can also provide accuracy and time-effectiveness in the electoral process while still ensuring the existence of a paper ballot that can be physically examined if necessary in the course of post-election disputes.

517. It is important to weigh the use of new electoral technology against the level of public trust and confidence in the electoral process, to involve stakeholders in pilot testing new electronic systems, and to obtain major stakeholders' agreement to the introduction of new technology. Due to the potential lack of transparency of electronic voting and counting, the use of EVMs may generate distrust among detractors who can argue that such technology can easily lend itself to manipulation. This is not surprising, given the security deficiencies and the omissions and errors in recording votes that are regularly reported in the use of DRE (direct-recording electronic, or touch screen) machines and other EVMs in the USA.

518. The accuracy and integrity of these machines are only as good as those of the companies and persons that design, program, test and maintain them. There are ways of introducing EVMs that can provide integrity, cost and time benefits to the election process – provided that clear controls and accountability measures, such as those described in chapter 9 of this

Handbook, have been implemented. The Council of Europe's recommendation 2004/11 on legal, operational and technical standards for e-voting provides useful background for such controls.

519. It is not wise for a poor country to go high-tech while failing to feed and develop its own people. The use of electoral high technology such as digitized voter registration cards, computerized electoral registers, and electronic voting and counting should be weighed against other pressing national priorities such as health and education. Electoral technology may be more sustainable where it can be used for other continuing functions. Its introduction also needs to be considered not just against the immediate costs and alternative uses of funds, but also against the future costs and human skills required for their maintenance. Assessing sustainability needs to consider the longer-term consequences.

520. The counting process is a prime target in many countries for automation and cost reduction, and many automated machines both record votes and tally them. Unless paper audit trails are recorded for each vote, transparency may be lacking in these automated counts. The counting process is considered to be a vulnerable part of an election, and always needs to be conducted in a transparent and verifiable manner by well-trained staff.

521. The requirement for openness at all stages of the counting and tabulation of votes may also limit the cost-saving measures that can be introduced into manual vote-counts. Stakeholders in the Union elections in Zanzibar (Tanzania) in 1995 and 2000 complained that events which took place during the tallying phase of the count adversely affected the election results and underlined the importance of transparency in the entire counting process. These cases involved changes made by unknown persons to some of the count results subsequent to figures being issued from polling stations. Opposition parties believed that the interference affected the outcome of the elections.

CHAPTER SUMMARY

- There is continuous pressure on EMBs to increase their capacities and performance in order to promote effectiveness and efficiency.
- Sustainability refers to electoral policies and practices which are cost-effective and realistic, and meet the needs of all stakeholders in the electoral processes, both now and in the future. It is a greater challenge in new and emerging democracies.
- EMBs need to aim for financial and economic, institutional, socio-political and environmental sustainability in their activities, to enhance stakeholder confidence in the electoral process and to ensure their own survival – not necessarily meaning that they need to be permanent in their structure.
- The main elements of sustainability are institutional, financial and economic, and human resource sustainability.
- A comprehensive picture of an EMB's sustainability and capacity is only feasible if accurate evaluations of all the main elements are combined.
- System, organizational and individual needs assessments can assist an EMB to identify sustainability issues.
- Especially in new and emerging democracies, donor support levels and commitment have a major impact on EMB sustainability. Donor support may have positive and negative effects. It may improve the quality of a specific election, but its influence and any dependence by an EMB on it may have a negative impact on the EMB's sustainability.
- Donors have a responsibility to ensure that their support assists EMB sustainability, for example, through coordination on EMB needs and support for skills transfer.
- New technologies are seductive to EMBs, and often attractive to donors, but EMBs need to make objective decisions on their long-term usefulness and impacts on EMB sustainability. The extent to which new technologies are used by an EMB should be determined by the level of the country's resource endowment and the benefits to be derived through their use.

- Aiming for sustainability has impacts on choices of electoral systems, and on frameworks and procedures for costly, complex and integrity-demanding electoral processes such as boundary delimitation, voter registration, voting, and vote counting and tabulation. EMBs need to carefully consider the necessary levels of integrity required and technology used for these processes, and their effects on financial and socio-political sustainability.

- Human resources and their knowledge and experience are an EMB's greatest asset. Investment in developing and retaining these, and in ensuring that institutional memory survives losses of experienced staff, is an essential ingredient in EMB sustainability.

- Effective materials design, procurement and management policies, based on rigorous needs and cost-effectiveness analyses, and tools such as life cycle assessments, contribute significantly to EMB sustainability.

CASE STUDY: Lesotho

Lesotho: Building a Reputation

Carl Dundas

Lesotho achieved independence in 1966. In the post-independence election of 1970, the Basutoland Congress Party won the election, but the ruling party, the Basotho National Party (BNP), annulled the election and declared a state of emergency. The military took over the administration of the country in 1986 and ruled until 1993, when multiparty democracy returned to Lesotho.

The 1993 elections were transitional, marking the end of the military regime and the beginning of the restoration of the democratic system of government.

The second multiparty democratic elections were held in 1998, after the country had experienced a short period of upheaval and a serious threat to its young democracy.

The constitution was amended in 2001 to introduce the Mixed Member Proportional (MMP) electoral system. The number of seats in the National Assembly increased from 80 to 120, 80 to be elected in single-member electoral districts and 40 to be elected in accordance with the principle of proportional representation (PR).

Prior to the 1993 election, civil servants ran elections under the supervision of a government ministry. The provisions of the constitution and the National Assembly Electoral Act of 1992 established the Independent Electoral Commission (IEC) of Lesotho. Section 66 of the amended constitution establishes the composition, functions and independent status of the IEC, and the funding of its expenses.

The institutional framework of the EMB in Lesotho revolves around the IEC. It is a centralized, three-member institution with a normal staff complement of about 237. During election periods an additional 27,276 temporary election staff are employed throughout the country.

Powers and Functions

The constitution gives the IEC broad responsibility for all activities relating to the organization and conduct of regular free and fair elections in the country. It organizes, conducts and supervises elections to the National Assembly and local authorities, as well as referendums.

The IEC is empowered to continuously review legislation and other matters relating to elections and referendums and to make appropriate recommendations with respect to them. It has the responsibility for carrying out tasks related to the organization and conduct of elections,

such as voter education, research into electoral matters, and the delimitation of electoral district boundaries. The IEC has a mechanism to conduct its own tendering for contracts and has been vested by government with powers to enter into arrangements with international donors.

Funding and Accountability

The government meets the funding of the IEC, whose expenses, along with all other election expenses, are charged directly to the Consolidated Fund. The budget is prepared by the IEC and submitted, through the Ministry of Finance, to Parliament for approval. However, despite the sound constitutional framework for meeting election expenses, in practice only the budget for the electoral event itself receives prompt endorsement by the Ministry of Finance; the budget for the IEC's recurrent expenditure is often processed slowly.

The Act took account of the need for a high level of accountability with respect both to general electoral activities and to the financial affairs of the EMB. The IEC is required within a stipulated period after the end of each financial year to submit to Parliament, through the minister responsible for law and constitutional affairs, both an annual report on its functions, activities and affairs, and an audited statement of its revenue and expenditure for that year.

The Professionalism of Electoral Officers

The professionalism of the electoral officers of the IEC has been under continuous review, and a determined effort has been made to upgrade the existing level. The background and culture of the majority of IEC staff is that of the civil service in Lesotho. The IEC is required to consult with the Public Service Commission when employing staff and may request the minister responsible for the public service to make any officer available to it. A continuing process of reform in the management and staff structure will enable any excess staff to be identified and lead to greater productivity of a better-trained staff complement.

Relations with Political Parties

The IEC has had an uneasy relationship with the opposition parties since the 1993 elections, largely due to the lack of proportionality between the number of votes received by the different parties and the number of seats won. The opposition parties did not accept the election results, and confidence in the electoral system was eroded. When the 1998 elections again produced results that were largely favourable to the ruling party, open conflict erupted. This led to the creation of a transitional government and the establishment of an Interim Political Authority, which brought all the political parties together to work closely on electoral reform with the IEC, which was reconstituted.

Prior to the 2002 elections, with the assistance of the Interim Political Authority, the IEC played a leading role in the reform of the constitution and the National Assembly Election Act to enable the MMP electoral system to be established in 2001 and to implement other important changes to the delimitation of electoral district boundaries and the registration of voters. Those reforms contributed significantly to the delivery of improved quality of election services in 2002.

Relations with the Media and Other Institutions and Agencies

The IEC's relationship with the media has been good. The government-owned media have cooperated with the IEC in the latter's monitoring role to ensure that news coverage extends to the campaigns of all political parties. The IEC is responsible for determining the allocation of air time for each political party.

The relationship between civil society organizations, donor agencies and observers, and the IEC has remained good since the IEC was formed.

Although the relationship with government has been good, it has not enabled the IEC to operate confidently as an independent EMB. Many members of the public and some legislators did not regard the IEC as an independent body, largely because of the apparent civil service status of the staff and the problems with funding disbursements from time to time.

The IEC has one of the most comprehensive and up-to-date legislative electoral schemes in the Commonwealth. The two major obstacles it faces are the lack of full control over the recruitment and supervision of election staff, and the need to put into full effect and operation the constitutional provision that all election expenses are charged to the Consolidated Fund.

CASE STUDY: USA

The US Administration of Elections: Decentralized to the Point of Being Dysfunctional

Robert A. Pastor

Although the United States is the oldest constitutional republic in the world, and one in which elections have been held since the English first settled in the early 17th century, it does not have a national organization for conducting elections. Indeed, the first law to govern the administration of elections was passed by the US Congress in 2002, more than 200 years after the approval of the US constitution. The administration of elections is more decentralized in the United States than in any other country in the world. Thirteen thousand separate entities at the local level are mainly responsible for the conduct of elections. The 50 states are theoretically responsible for the supervision of the elections, but few have more authority than the localities. The federal level of government is the least involved in elections.

Historical Background

The US constitution of 1787 established an Electoral College to serve as an intermediary between the voters and the final choice for president and vice-president. That was a progressive innovation for the 18th century but is an anachronism in the 21st.

The constitution says very little about the administration of elections except to suggest that the states have responsibility for determining the procedures for choosing electors for the Electoral College. Over time, the individual states devolved responsibility for the administration of elections to the local level because most elections were for local offices, and national elections occurred at the same time. Counties and municipalities have registered voters, designed the ballot papers, purchased the voting machines and trained polling officials. Few states had a budget to help the local election authorities, and thus they had little power over the conduct of elections.

The only election conducted at national level in the USA is that run by the Electoral College, in which the electors designated by the candidates and chosen by the voters of each state then choose the president. Although Americans vote for four national offices (president, vice-president, senator and member of Congress), these and all other elections are technically the responsibility of the states. In reality, however, they are conducted by 13,000 counties and municipalities, and the election authorities at that level are selected and replaced in many different ways. Most officials are appointed by mayors, who are themselves elected at the local

level; others are appointed by political party officials; some are civil servants. This explains the wide range of administrative and technical procedures.

Until the end of the 19th century, the principal means of voting was a ballot paper given by the political parties to individual voters. This procedure lent itself to vote-buying, and in the 1880s states gradually adopted the 'Australian' secret ballot, which identified all the candidates on a single page, giving voters the opportunity to select the one they supported in privacy.

Although some reforms of the campaign finance system were implemented during the Progressive Era at the beginning of the 20th century, elections and politics remained heavily influenced by money. State laws regulate campaign finance at the state and local elections, but at the federal level the first major reform came in the form of the Campaign Finance Act of 1974 after the Watergate scandal.

In the presidential election of 2000, the losing candidate, Albert Gore, won the popular vote but lost in the state of Florida by 537 votes, which meant that he lost the election. A dispute over the recount was ultimately decided by a single vote in the Supreme Court. Many private and public organizations sought to learn from that experience, and as a result, Congress passed its first federal law on election administration, the Help America Vote Act of 2002 (HAVA).

The Legislative Framework

The statutory requirements for most elections are defined by laws passed by each of the 50 states. HAVA is the only national law addressing the issue of electoral administration (except for civil rights laws and procedures to ensure that African-Americans and other minorities are not disenfranchised). That law sets national standards and requirements for voting, but makes most of them conditional on whether the states decide to accept funding from the Election Assistance Commission (EAC), established by the same law. By the distribution of funds and the requirement that states develop and publish plans for meeting the national standards and establishing state-wide computer-based registration lists, the new law aims to help the states retrieve authority over the conduct of elections and to exercise it in a way that will permit some uniformity at the national level. The states were mandated to be in full compliance with the law by 1 January 2006, but there were many laggards. It is clear that the law did not provide for sufficient uniformity or give the EAC sufficient strength to ensure that all states would assure the voting rights of citizens. A Commission on Federal Election Reform, chaired by Jimmy Carter and James A. Baker, and organized by the American University's Center for Democracy and Election Management, offered 87 recommendations to address the remaining problems in its report, published on 19 September 2005.

Institutional Structure

The EAC was established in Title II of HAVA (Public Law no. 107-252). It is composed of four members, two nominated by Republicans in Congress and two by Democrats. (The Federal Election Commission (FEC) is similarly constituted, but its responsibilities relate only to the supervision of the campaign finance laws.)

The EAC is not an electoral management body but primarily a mechanism for transferring funds from the federal to the state governments to invest in new voting equipment and state-wide registration lists. The institutional structures responsible for administering elections

remain at the state and local level. In most states, the secretary of state is technically responsible for the conduct of elections, but the county and city election boards are the EMBs; they actually conduct the elections. Secretaries of state are elected and tend to be individuals who aspire to higher political office. State and local officials are usually appointed by political party officials, although some are civil servants or are appointed by local elected officials.

The Powers and Functions of the EAC, Secretaries of State and Local Officials

The purpose of the EAC is to serve as an information clearing house, to oversee the testing, certification, de-certification and re-certification of voting system hardware and software, and to provide election assistance and publish voluntary guidance. Any EAC action requires the approval of three members, but its regulatory powers are sharply limited. It cannot, for example, 'issue any rule, promulgate any regulation, or take another action' imposing a requirement on any state or locality.

Thirteen thousand individual counties and municipalities continue to manage virtually every stage of the electoral process. Over time, as HAVA is implemented, it is hoped that the federal government will have more power to impose uniform rules throughout all 50 states, but currently the law is not strong enough to give it that power.

Funding and Accountability

Until HAVA was passed, the federal government did not spend any money on elections, and the states spent very little. Virtually all funding was at the local level.

With the passage of HAVA, the federal government transferred nearly 3 billion US dollars (USD) between 2003 and 2005 to the states to purchase new machines and implement state-wide plans, including for computer-based, state-wide registration lists. Unfortunately, the EAC, which transferred the funding for machines to the states, is a weak institution, receiving for example less than 2 million USD to manage its office in its first year of operation, 2004.

The EAC (like the FEC) is accountable to the Congress, the executive branch and the courts. The local authorities are accountable to their communities and, secondarily, to the state officials and the courts.

The Professionalism of Electoral Officers

For much of US history, election officials' posts were viewed as patronage jobs to be handed out by the party in power. To a great extent, this has not changed. At the local level, there are great difficulties hiring temporary workers, and as a result most are quite old and have great difficulty working through a long and stressful day. For the presidential election in 2000, approximately 100 million people voted in 200,000 polling districts. This required 1.4 million election workers, most with little training, supervised by 20,000 election administrators. Wide variations in electoral professionalism are thus inevitable.

The Strengths and Weaknesses of the US Electoral Administration

Both the strength and the weakness of the US electoral administration system stem from its decentralized nature. It allows for great autonomy but no uniformity. Most Americans have focused on the result rather than the process, but close elections compel a re-focus on the process. Over time, if it is to respond to the many complaints, the federal government will need to insist on a much higher degree of uniformity of rules, and the states will need to retrieve authority from the local areas, starting with the registration list and the voter identification cards.

Chapter 11

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EMB Networks

What Are Electoral Networks and Why Do they Matter?

522. Globalization has brought rapid and dynamic changes to organizational management, including electoral administration, and such changes are influencing EMBs to move away from the hierarchical structures and routines of the past. Both at regional and at national level, an increasing number of electoral practitioners are also working together through well-established networks to find solutions to common problems and to build innovations through sustained sharing of ideas, information and experience.

523. Electoral networks foster capacity development among electoral managers and serve as useful forums to address common concerns such as EMB independence, EMB funding, or the use of technology in elections. Electoral managers need no longer operate in isolation from each other and without any external support to improve their knowledge and skills.

Electoral networks are important for supporting electoral managers around the world to cope with the rapidity of change in the environments in which elections take place.

National Electoral Networks

524. In the UK, there is a professional network, the Association of Election Administrators (AEA), to which all senior electoral administrators (returning officers) belong. The AEA conducts regular training and education for electoral administrators, acts to safeguard their interests, and serves as a network of resources and expertise for its members. It offers professional qualification courses, which are mandatory for appointment to electoral-related positions in UK local authorities, which are governmental EMBs.

525. In the United States, the National Association of State Election Directors and the National Association of Secretaries of State serve as useful forums for electoral managers to

exchange views and improve their capacities and performance. The International Association of Clerks, Recorders, Election Officials and Treasurers (IACREOT) holds regular electoral professional development courses for its members, and annual trade shows for electoral-related equipment and supplies. The National Association of Clerks and County Recorders (NACRC), the Election Center, and the National Association of Counties also organize events for local election officials.

526. In Australia, the Electoral Council of Australia, a consultative forum comprising the national and state electoral commissioners and chief electoral officers, meets regularly. Its main objectives are to ensure the quality of the electoral registers for all elections in Australia and to improve Australian electoral administration in general. The Association of Bosnia and Herzegovina Election Officials (AEOBIH) consists of electoral officials from the three entities of Bosnia and Herzegovina and holds conferences, seminars and other consultations to promote democratic, open, transparent elections.

Regional EMB Networks

527. During the 1980s and 1990s, cooperation between EMBs at the regional level intensified, and a number of regional associations were established to facilitate and sustain cooperation. The objectives of the early regional electoral associations which were formed in the 1980s were, however, so general as to be little more than a framework pointing to desirable goals with little specific commitment. The Association of Electoral Institutions of Central America and the Caribbean (known as the Tikal Protocol), established in Guatemala in 1985, was a representative body of electoral organizations designed to achieve cooperation, exchange information and facilitate consultation. Its recommendations were not binding on its member organizations. The Association of South American Electoral Organizations (the Quito Protocol) was formed in 1989 along similar lines.

528. The Inter-American Union of Electoral Organizations (UNIORE) was established in 1991 to promote cooperation between the electoral organizations and associations created under the Tikal and Quito protocols. It extended the potential scope of cooperation to provide support and assistance, as far as practicable, to member organizations which requested them. The Costa Rica-based Center for Electoral Promotion and Assistance (CAPEL), established in 1983, acts as the executive secretariat of these networks.

529. Although the elements of information exchange, cooperation and consultation still featured prominently in the objectives of associations formed in the 1990s, there was greater focus on broad common goals, such as the promotion of free and fair elections, independent and impartial EMBs, and transparent electoral procedures. Specific common regional goals were emphasized, such as cooperation in the improvement of electoral laws and practices; the promotion of participation by citizens, political contestants and non-partisan NGOs in electoral processes; and the establishment of resource centres for research and information. These associations also placed great emphasis on the development of professional electoral officials with high integrity, a strong sense of public service, knowledge and experience of electoral processes, and a commitment to democratic elections.

530. The associations which typify these new dimensions include:

- the Association of Central and Eastern European Electoral Officials (ACEEEO), established in 1991;
- the Association of African Election Authorities (AAEA), established in 1997;
- the Association of Asian Election Authorities (AAEA), established in 1997; and
- the Association of Caribbean Electoral Organizations (ACEO), established in 1998.

531. Other regional networks which came into being around the same time include the Pacific Islands, Australia, New Zealand Electoral Administrators Network (PIANZEA) and the Electoral Commissions' Forum (ECF) of the SADC.

532. Although the mandates of these networks differ in detail, they all aim to promote the free flow of information among election practitioners and to provide electoral assistance to their member EMBs. For example, the objectives of CAPEL are to give technical electoral advice, and to promote free and fair multiparty elections, and the values of democratic culture and of non-discriminatory participation in elections. To achieve its aims, it shall:

a. maintain an expert advisory group ready to assist the governments and public bodies of the region on request regarding better ways of conducting electoral processes;
b. supply electoral observers, at the request of a member country;
c. organize research programmes on the subject of elections, comparative electoral legislation, the transition to democracy, and the strengthening of democratic systems in the Americas;
d. organize regional and international meetings and conferences to promote electoral theory and practice, and to evaluate the state and prospects of electoral processes and their effect on democracy;
e. organize training courses and seminars for electoral officials in the region; and
f. keep up-to-date information on election results in the Americas, form a specialized library on the subject of elections, and prepare, publish and distribute material concerning free, democratic elections.

533. The potential benefits of regional cooperation through associations of electoral organizations are considerable. New EMBs can draw on support and experience from more established electoral authorities, can accelerate their capacity building by exchange of personnel, and may even be able to borrow electoral materials at relatively short notice. The development of common standards with respect to free and fair elections and the quality of electoral services may have a positive effect on losers accepting election results.

534. The development of EMB networks is constrained in practice by two issues affecting individual EMBs – lack of resources to participate in the association's activities and fear of compromising their perceived independence. Some EMBs shy away from active participation because they fear that dependence on the government for resources for travel, research or other programme activities might compromise their independence. Resource constraints also restrict the activities of the associations themselves, which have to depend mainly on outside funding.

Global Electoral Networks

535. The development of regional associations of electoral organizations and the increasing internationalization of elections through advocacy for international standards for democratic elections led to the establishment of a global forum for discussion of EMB collaboration. The Conference of the Global Electoral Organization (GEO) Network, which was first convened in Ottawa in April 1999, is a worldwide meeting of regional associations of electoral officers. GEO conferences have the following objectives:

a. to provide an opportunity for associations of electoral officials to link with each other in a global professional network;
b. to offer organizational and programmatic models for collaboration and cooperative ventures among members and between associations, or with the supporters of electoral governance projects;
c. to serve as a forum in which to identify areas of need in electoral governance and programmes which can be developed to respond to those needs; and
d. to identify a common agenda for all electoral management bodies around the world.

536. The ACE Electoral Knowledge Network (<http://www.aceproject.org>), which is a continuation and transformation of the original Administration and Cost of Elections (ACE) Project, is the result of a collaborative effort between International IDEA, EISA, Elections Canada, the Federal Electoral Institute (IFE) of Mexico, IFES, the United Nations Department of Economic and Social Affairs (UNDESA) and the UNDP. The ACE Electoral Knowledge Network is a dynamic online knowledge service that provides comprehensive and authoritative information on elections, promotes networking among election-related professionals and offers capacity development services. It features information on nearly every aspect of elections, with an emphasis on issues of cost, sustainability, professionalism and trust in the electoral process. Its networking component, the ACE Practitioners' Network, provides access to a network of election professionals from across the globe offering, among other things, professional advisory services online to the global community of users. It encourages professionals to collaborate on common issues and challenges and to generate, share and apply knowledge, help build common methods, and improve the professionalism of those engaged in activities related to credible, sustainable, peaceful and cost-effective elections.

537. The practical operations of the global network may best revolve around the promotion of knowledge and experience gained in the development of electoral procedures, joint research on matters relating to important electoral processes and issues, and the promotion of international discussions on electoral issues with a view to furthering democratic values and governance. A global network is well placed to encourage and facilitate the publication of electoral materials by the various regional associations and to promote the exchange of expertise and the secondment of specialists in technical fields.

538. Various electoral issues can be treated with advantage at the global level, setting the stage for adaptation at the regional or national levels. These issues could include improved cost-effectiveness in electoral administration, principles and good practices in electoral management,

the effectiveness and affordability of new electoral technologies, legislative frameworks for elections and referendums, and mechanisms for the resolution of electoral disputes.

Electoral Support Networks

539. In many parts of the world, national or regional electoral support networks have been formed, comprising civil society organizations, such as democracy promotion organizations, media organizations, human rights organizations, women's organizations, religious-based groups and other community-based organizations. Examples include the Zimbabwe Electoral Support Network (ZESN) and the faith-based Peoples Voter Education Network (JPPR) in Indonesia at a national level, and the Asian Network for Free Elections (ANFREL) and the SADC Electoral Support Network at regional levels. While some electoral support networks specialize in election monitoring or observation, many support EMBs in areas such as research on electoral matters, training, and voter education and information. Electoral support networks can be effective partners for EMBs, using links into local communities and access to funds – particularly donor funds in emerging democracies – to augment the skills base of EMBs and to enhance information flows to and from EMBs.

CHAPTER SUMMARY

- Electoral networks promote information exchange and improvement in electoral processes, providing opportunities for EMBs to share experiences and good practices.
- National associations of electoral administrators, such as those in Bosnia and Herzegovina, the UK and the USA, can play a significant role in professional development, in information exchange, and as a lobby group for electoral reforms.
- Regional EMB networks provide opportunities to EMBs to assist each other through drawing on the experience of longer-established EMBs, personnel exchanges, pooling of research and information, and equipment sharing.
- Global electoral networks, such as the GEO Network, offer collaborative opportunities for EMBs and electoral associations to share knowledge and improve electoral governance.
- Community-based electoral support networks can assist EMBs with additional resources for activities such as training and voter education and information, and in transmitting information.

CASE STUDY: Cambodia

Cambodia: Tensions around the National Election Committee

Peter Bartu

Under the 1991 Paris Peace Agreements, in May 1993 the United Nations, through the UN Transitional Authority in Cambodia (UNTAC), organized and administered Cambodia's first free and fair multiparty, democratic elections. They were marred by high levels of political intimidation that saw some hundreds of election-related killings. The Cambodian People's Party (CPP), which had ruled Cambodia since Viet Nam overthrew the Khmer Rouge regime in 1979, initially rejected the election results, but a coalition government was formed of the CPP and the royalist Funcinpec (United Front for an Independent, Neutral, Peaceful and Cooperative Cambodia). An aborted attempt at secession by senior CPP members followed, after which King Sihanouk brokered a deal and the two parties agreed to share the management of the government on an equal basis.

The constitution promulgated on 24 September 1993 stipulated that elections to the National Assembly would be held every five years.

In July 1997 the CPP/Funcinpec coalition fell apart amid armed confrontation between their respective military units. Partly as a result of international pressure, the CPP began preparations for National Assembly elections, which took place in July 1998 – the first multiparty elections to be conducted by Cambodians in over three decades.

In January 1998 the National Election Committee (NEC) was established, based in the Ministry of the Interior. Eleven members were appointed to the NEC: a chair, a vice-chair and two other members who were to be independent, one representative from each political party represented in the National Assembly, two officials from the Ministry of the Interior, and one representative of local NGOs. Much jockeying took place as parties sought to ensure the choice of their sympathizers to fill the independent and NGO positions.

In May 1998 the Constitutional Council was established. In addition to establishing the constitutionality of laws, it was also the final arbiter for election complaints and appeals.

The 1998 elections were seen as a technical and logistical success, although Funcinpec and the Sam Rainsy Party (established following a split within Funcinpec) rejected the results because the formula eventually used to calculate the distribution of seats in the National Assembly was not expressed in a clear legal form and had been changed in the middle of the election process in a manner which subsequently appeared to favour the CPP. The CPP won a clear majority of seats. Street demonstrations against the election results followed in September 1998, and after three months a coalition government was again formed. The coalition then governed for the full five-year term.

In February 2002, multiparty elections were conducted for the first time ever for 1,621 commune councils – the lowest administrative unit in the country.

The 2003 National Assembly elections were followed by political deadlock as the CPP did not win the two-thirds majority required to govern outright, and Funcinpec and the Sam Rainsy Party again refused to recognize the results. Eventually, after 11 months, another CPP/Funcinpec coalition government was formed.

The Legislative Framework

The Election Law and the Political Parties Law were initially drafted and adopted by the National Assembly between October and December 1997, in the absence of the Funcinpec and Sam Rainsy Party leaders. In May 1998 important amendments were made to the law to enable the counting of votes to take place at commune level, as opposed to counting at the polling stations, in order to protect information on how individual villages voted.

Following the February 2002 commune elections, on 21 August 2002 the government enacted the Law on Amendments to the National Assembly Election Law, thus introducing several changes to the management of elections, including:

- the introduction of a permanent voter registration process, to be conducted each year between October and December, at commune offices, by commune clerks;
- the change in the composition of the NEC from the 11-member body created for the 1998 elections to a smaller, apolitical committee of five members; it assumed its responsibilities on 30 October 2002;
- new procedures for the appointment of members to the provincial election committees (PECs) and commune election committees (CECs);
- the introduction of equitable access to the state media for political parties during the campaign period; and
- the inclusion in the law of the seat allocation formula for the proportional representation (PR) system by province/constituency.

The law also included a transitional provision whereby from 2008 vote-counting would be done at the polling station (counting for the 2003 National Assembly elections would still be conducted at the CEC level).

Institutional Structure

The NEC has a permanent committee of five persons – one chair, one vice-chair and three permanent members. The members are selected by the Ministry of the Interior, on the basis of strict neutrality, and the nominations are approved by the Council of Ministers and ratified by the National Assembly. The permanent committee is supported by a General Secretariat, which has five departments: operations, administration, finance, training and public information, and legal services. During and in the lead-up to election periods the NEC employs up to 460 staff, of whom 167 work on information technology (IT) tasks.

For the 2003 elections the NEC had 24 PECs, 1,621 CECs, and 12,826 polling station committees (PSCs), all staffed on a temporary basis. The total number of staff peaked at 73,539 during the polling and counting phase for the National Assembly elections.

Powers and Functions

The NEC is responsible for planning, organizing and managing elections. Key duties include:

- publishing the election timetable;
- appointing members to the PECs, CECs and PSCs;
- establishing the areas covered by individual polling stations and their boundaries;
- receiving and deciding on the registration of political parties and the nominations of the candidates of political parties to stand for the National Assembly;
- monitoring and facilitating the organization of the electoral campaign;
- organizing and managing the voting and the vote-counting, and determining and announcing the results;
- auditing the income and expenditure of candidates and political parties during election campaigns;
- taking measures to ensure equal access to the public media; and
- deciding on all complaints and appeals relating to the election, except complaints which fall under the jurisdiction of the courts.

The power to determine the number and allocation of seats by province/municipality in the National Assembly rests with a special committee of the Council of Ministers, which is convened in the third year of every legislative term. The committee is composed of a representative from each political party currently represented in the National Assembly; two representatives of the Ministry of the Interior; and the director of the National Institute of Statistics. After the number of seats to be allocated has been determined, the special committee may recommend allocating them to any province(s), taking account of geographical, social and economic considerations.

Financing and Sustainability

The NEC is funded by the Cambodian government, foreign donors, international organizations, charitable individuals and NGOs. Except for foreign funding, all other election funds are deposited under a special account in the National Treasury called the Trust Fund Account for Elections. Donor funding has been a significant source of support over the years but has decreased with each successive election while the government's contribution has increased.

The total expenditure of the UNTAC mission which was responsible for the preparation and implementation of the 1993 elections in Cambodia was around 2 billion US dollars (USD). Later figures are not directly comparable with this, but the cost of the 1998 national elections was around 24 million USD, that of the 2002 commune elections around 15 million USD, and that of the 2003 national elections around 12 million USD – of which only around 6 million USD was provided by external donors. Major progress has been made towards an electoral process that is financially sustainable.

The reduction in costs from 2002 to 2003 was, however, partly the result of a decision to change voter registration from an independent exercise implemented directly by the electoral authorities for each election to a process undertaken by the commune authorities involving a permanent electoral register. While this decision advanced the cause of sustainability, it was not without a downside. A perception remains that commune clerks may be linked to the governing party rather than being independent administrators, and some questions were therefore raised about the integrity of the electoral register.

Accountability

By law the National Assembly delegates to the NEC the power to organize and manage elections as an independent and impartial body, with full rights to apply its own competence in order to ensure the conduct of free, fair and transparent elections. Financial management is carried out according to the procedures and modalities of the Ministry of Economy and Finance and in particular according to donor guidelines.

Relations with Political Parties

Compared to the 1998 elections, the NEC is now better organized, more accessible and more transparent, and its duties and procedures are more clearly specified in the law and existing regulations. It has been more responsive to the needs and concerns of all the political parties through regular meetings at all levels. Criticisms, however, remain because the NEC has to rely on the commune council clerks (under the Ministry of the Interior) for voter registration. The NEC must now consult with the Ministry of the Interior on the delegation of power appropriate to the capacity and resources of commune councils and clerks for the continuous voter registration process. This also entails training, capacity building, the provision of facilities, supplies and materials, and budgetary assistance. However, final responsibility for preparing the electoral registers rests with the NEC. The final arbiter for the complaints and appeals process is the Constitutional Council.

Relations with the Media

According to the election law, all the media, including the state-run press, television and radio, are to make their services available to the NEC at no cost for the purposes of publicizing electoral work and voter education. In practice, many of the private- and public-sector media are controlled by the CPP and continue to give the CPP overwhelming coverage.

The NEC has a media office and a web site, and has instituted regular information exchanges and coordination on the electoral process, at all levels, with the media, political parties and candidates.

Relations with Other Institutions and Agencies

Since 1998 three key NGOs – the Coalition for Free and Fair Elections (COFFEL), the Committee for Free and Fair Elections in Cambodia (COMFREL) and the Neutral and Impartial Committee for Free and Fair Elections in Cambodia (NICFEC) – have led civil society advocacy on the legal and institutional framework for elections in Cambodia through extensive public consultation exercises, a joint advocacy programme and regular meetings with the NEC during 2004.

Another NGO, the Cambodian Development Resource Institute (CDRI), initiated a four-year series of monthly meetings in 1999, known as the Committee for the Prevention of Conflict in Cambodian Elections (COPCEL). These meetings brought together key political stakeholders and parties, and the NEC, to discuss potential issues of conflict in the commune and National Assembly elections.

The International Republican Institute (IRI) and the National Democratic Institute (NDI), along with the Asia Foundation, have all played key support roles aimed primarily at improving voters' access to information and political platforms. In 2003 the NEC cooperated with the NDI to draft a code of conduct/ethics that was signed by the leaders of 18 political parties.

The United Nations Development Programme (UNDP) has played a lead role in coordinating donor electoral assistance, as has the European Union. Both organizations have also directly helped the NEC by providing technical experts.

Electoral Reform Management

One consequence of the 11-month deadlock following the 2003 National Assembly election was a debate about electoral reform. The Sam Rainsy Party and Funcinpec both wanted to reinstate political party members to the NEC, as opposed to neutral candidates. Both also wanted to ensure the presence of representatives of political parties at all levels of electoral management on the basis that only this would ensure impartial delivery of future electoral management. However, after the CPP/Funcinpec government was formed in July 2004, no further action was taken.

Since 1993, elections have become familiar in Cambodia. Two National Assembly elections in 1998 and 2003 and one round of local elections in 2002 have been recognized as logistically and technically competent. Electoral costs continue to fall as technical competence develops. However, after each election, including the UNTAC-sponsored elections in 1993, the losing parties have rejected the results. This has led to attempted secession (in 1993), to violence and a three-month deadlock (in 1998), and to an 11-month deadlock before a government was formed (in 2003/2004). Problems related to these three elections include ongoing, although fewer, instances of political violence, unequal access to the media for opposition parties, and a perceived CPP bias concerning access to voter information. The key issue for future elections, noting the asymmetry between the parties and the dominance of the CPP, is how to ensure that party and state are separate in the administration of future elections.

Future challenges revolve around the Cambodian political community developing a consensual acceptance of the NEC and the electoral process, as well as the institutionalization of the NEC as an impartial, technically competent administrator of elections. This means providing an open space for debate and an exchange of views on all electoral issues, and particularly the ongoing management of the new continuous voter registration process involving the NEC, the commune councils and Ministry of the Interior staff. The imbalance between the political parties and the clear dominance of the administrative structures by the CPP will also have to be managed in future when vote-counting will take place at the polling station and not at the commune level.

CASE STUDY: Kenya

Kenya: Compromised Independence of the EMB

Shumbana Karume

In 1963 the constitution of the newly independent Kenya created an autonomous electoral commission with a clear mandate to register voters, conduct elections, and delimit parliamentary electoral districts, among other electoral matters. This was the furthest the government went towards institutionalizing the Electoral Commission of Kenya (ECK). Until 1991 the process for parliamentary and local authority elections came under the control of the supervisor of elections, an officer in the attorney general's chambers. However, notwithstanding the ECK's responsibility under the constitution for different electoral matters, between 1963 and 1991 it only carried out one function – the review and establishment of electoral district boundaries.

The constitution was amended in 1991 to introduce a multiparty system, and to change the structure and responsibilities of the ECK. Eleven commissioners were appointed by the president. This number was raised to 12 in 1993. The ECK was given exclusive powers to manage the conduct of national and local elections, including full responsibility for voter registration, candidate nominations and voter education.

Although the reforms introduced entailed significant change in the ECK's role, opposition political parties complained about its composition: all its members were presidential appointees. Following the establishment of the Inter-Parties Parliamentary Group (IPPG) in 1997, opposition parties received representation in the ECK through the addition of ten more commissioners. The IPPG also reviewed and brought in some laws which made the ECK more independent. Under the constitution, the ECK should not accept the direction of or instructions from any person or authority, but it has so far had many difficulties realizing this independence in practice.

The Legislative Framework

The ECK is governed by the constitution and the November 1997 National Assembly and Presidential Elections Act. The Constitution Amendment Act, no. 17 of 1990, re-establishes the ECK and provides for its tenure and functions. It also guarantees its independent status, although an exception, made through a constitutional amendment in 1997, empowers Parliament to make laws to regulate the effective conduct of the ECK's operations. Among the major issues covered by the act are the registration of voters, nominations and campaigns, and questions relating to the appointment of ECK staff, including a Code of Conduct for staff. In addition, the act empowers the ECK to make regulations governing the electoral process.

An Electoral Code of Conduct was introduced in 1997. The ECK's constitutional mandate is further supported by the 1998 Election Offences Act, designed to prevent election offences and illegal practices during elections. This act (section 8) enables the ECK to impose penalties and sanctions on parties, candidates and their supporters who violate the 1997 Electoral Code of Conduct.

Institutional Structure

At the end of 2005, the ECK had 22 commissioners, including the chair and vice-chair, who are appointed by the president for a term of five years. The commissioners are eligible for reappointment and enjoy security of tenure through special safeguards and procedures. They can only be removed from office by a tribunal appointed by the president. During elections the ECK appoints temporary election staff to assist in the administration of elections. These include returning officers, deputy officers, presiding officers, registration officers and election clerks.

For administration purposes the ECK is supported by a Secretariat and by district election coordinators (DECs) at the district level. The DECs, who are appointed by the president, head the district offices and their main responsibilities include safeguarding the ECK's assets, equipment and other property; authorizing expenditure and accounting for the ECK's funds; and serving as supplies officers in the districts. The Secretariat is headed by a secretary general assisted by a deputy administrative secretary and by the various department heads.

Powers and Functions

The powers and functions of the ECK include boundary delimitation, voter registration, and the running of local and national elections. The law further mandates the ECK to register political party candidates for parliamentary and local elections and to determine the eligibility of candidates. The ECK is also responsible for voter education.

Financing

The ECK is funded by the government. It submits its budget to Parliament for approval through the Ministry of Finance. It has no control over its disbursements and relies on the DECs to manage its finances at the district level. According to the ECK, such financial arrangements are unsatisfactory and inefficient, and undermine its independence, given that DECs are appointed by the president. In addition, the funding allocated is usually inadequate, and the ECK is treated as a government department, which forces it to rely heavily on donor funding. The ECK's work has also been hampered by delays in funding and irregular remittances. This has severely hindered the planning process, and in some cases disenfranchised some communities as the ECK was unable to reach them and facilitate their participation due to the lack of appropriate funding.

Professionalism

The ECK's professionalism has been criticized in the past. Between 1991 and 1997 in particular, its image was tainted and it suffered from a reputation for incompetence and unfairness. An improvement was seen during the 2002 elections, and many observers noted the improved professionalism and credibility of the chairman and commissioners compared with the previous elections. However, many observers also noted that the ECK lacked the experienced and skilled professionals and needed to adopt a proper human resources development programme. A transparent recruitment and deployment programme was also recommended. At the end of 2005, the commission's staff did not have proper terms and conditions of employment. Late appointments and renewals of employment were also problematic.

Relations with the Media and Other Institutions

The Kenya Broadcasting Corporation (KBC) is mandated by the Kenya Broadcasting Corporation Act to provide equal coverage to all political parties. The act also empowers the ECK in consultation with the KBC to allocate free air time to registered political parties during an election campaign. The ECK is not, however, mandated to intervene over or rule on the content of news broadcasts that may be of a partisan nature. The ECK's relations with the media improved significantly during the 2002 elections. For the first time the ECK set up a media centre with the purpose of disseminating information on the electoral processes to the media.

The ECK has taken measures to improve its relationship with the political parties, the police and civil society organizations, especially religious groups. Peace committees set up in all electoral districts have not only greatly improved the ECK's relations with key electoral stakeholders but also enhanced its capacity to enforce the Electoral Code of Conduct. As a result several candidates have been summoned and fined for violations of the electoral law. Peace committees have also served as conflict management bodies and enhanced both communication and conflict management between the ECK and its electoral partners.

Accountability

The ECK is required to observe all financial regulations and accounting procedures in the management of its funds and the disbursement of funds. It is also subject to the Parliamentary Accounts Committee (PAC) for all accounting queries.

Electoral Reform Management

The ECK is empowered by the National Assembly and Presidential Elections Act (section 34) to make regulations relating to the electoral process. Prior to the 2002 elections the ECK made new regulations to enhance the credibility of the electoral process, which were approved by the National Assembly in October 2002. The major changes included an amendment to allow for continuous registration of electors and the counting of ballot papers at the polling stations.

The ECK is also playing an important role in ongoing reforms such as the Constitutional Review. As and when it is enacted, the proposed new constitution is likely to further enhance the credibility of the electoral process, as it includes a strengthened ECK.

Over the years the ECK's ability to manage elections efficiently and its credibility and impartiality have been the subject of never-ending scepticism. Its major obstacle is overcoming this image and winning trust as a commission with the ability and professionalism to conduct credible elections. In order to achieve this, two issues now stand out – control over the recruitment and supervision of its entire election staff, and control over the funding of electoral administration. The ECK itself recommends that its funds should come directly from the Consolidated Fund.

Chapter 12

Chapter 12

Reforming Electoral Processes

What Is Electoral Reform?

540. 'Electoral reform' is a broad term that covers, among other things, improving the responsiveness of electoral processes to public desires and expectations. However, not all electoral change can be considered as electoral reform. Electoral change can only be referred to as reform if its primary goal is to improve electoral processes, for example, through fostering enhanced impartiality, inclusiveness, transparency, integrity or accuracy. Random and/or frequent electoral change, while it may be reformist, can also be confusing to voters, and thus defeat its purpose. Frequent change may also negatively affect the sustainability of an EMB's operations.

541. Electoral reform often only catches the public eye when it involves changes to representational arrangements, such as electoral systems, but it is a much broader concept than this. There are three distinct areas of electoral reform, in each of which an EMB and its stakeholders may play different roles:

a. *legal* – involving the amendment of the constitution, the electoral law, and/or related regulations and rules to enhance the integrity, relevance and adequacy of the legal framework within which the EMB delivers its services. This may include institutional reform of the EMB itself;

b. *administrative* – the introduction within an EMB of new strategies, structures, policies, procedures and technical innovations that enable it to implement its legal responsibilities and deliver its services more efficiently, effectively and sustainably. These could include policies and practices on issues such as procurement, financial integrity or employment (such as gender balance in the recruitment of EMB staff); making informed voting accessible to groups such as women, those living in remote areas, and the physically impaired; or introducing new technology for services such as voting, voter registration or electoral logistics; or

c. *political* – changes which take place in the political environment within which an EMB operates, such as giving it more autonomy or creating a more effective and transparent framework for its funding and accountability.

542. Since the mid-1980s, there have been substantial structural and procedural changes in the way elections are conducted around the world, such as the growing numbers of independent and permanent EMBs, and the increasing use of new technologies to deliver electoral services. Electoral reform has often been part of a package of general democratization initiatives. However, many countries in which there had been general satisfaction with a long-standing framework and style of electoral administration have also seen substantial reforms: for example, the introduction of an independent EMB and of significantly wider access to voting in Australia in 1984; the introduction of a new independent body with electoral functions, and a radically different electoral system, in New Zealand in 1993; and recent changes in Sweden to create a more independent electoral administration (see the case study).

543. The internationalization of electoral frameworks and administration continues to place countries under pressure to introduce electoral reform measures. The relatively recent development of generally acknowledged standards for 'free and fair' elections and of global and regional standards for electoral administration have created yardsticks by which each country's electoral processes and administration can be assessed.

544. Reforms to electoral processes may be triggered by failure to deliver acceptable elections or by conflict resulting from disputed elections. Where countries are dependent on international donor contributions, these may be linked to the implementation of electoral reforms, as in Liberia. Financial constraints requiring electoral resources to be used more sustainably and effectively have had a significant bearing on administrative electoral reforms.

545. The increasingly widespread and expert independent and political party observation of elections has produced many well-documented assessments of electoral performance and recommended reforms, for example, in connection with Nigeria's post-2003 elections. Civil society and the media have become more aware of electoral rights and standards. International observation of and technical assistance to elections in emerging democracies can also have an effect in the mature democracies.

546. While many electoral reforms have been initiated by governments, at times in response to societal or external pressures, EMBs themselves have often been powerful motivators of electoral reforms. More widespread public accountability and transparency of EMBs – a significant reform in itself – has had a multiplier effect on further electoral reform. Materials supporting electoral reforms have emerged from the increasing use by EMBs of election audits, and from the advocacy activities of civil society organizations and other stakeholders.

Failing EMBs

547. Many EMBs fail to discharge their mandate in line with accepted regional or international standards. There are no comprehensive data on the reasons for EMB failure. Studies of individual EMBs have noted a number of internal causes, including:

a. lack of stakeholder confidence in the EMB;
b. government and/or political influence on EMB decisions;
c. a partisan approach by the EMB or its members;
d. a lack of EMB professionalism; and
e. EMB incompetence or financial impropriety.

548. In other cases, the reasons for an EMB's failure are outside its control, for example, having to implement an electoral system that produces results that are not acceptable to major stakeholders, as in Lesotho in the 1990s. There may be deficiencies in the legal framework. In Liberia and Zimbabwe in the late 1990s/early 2000s, the failure of elections to meet acceptable standards was part of a failure of these countries' political systems.

549. Except where the entire political system is failing, electoral reform – of the EMB itself and/or of the broader electoral framework – may be able to save future electoral processes from failure. Notable examples of this in the 1990s are those of Mexico and South Africa.

The EMB's Role in Electoral Reforms

550. While the EMB has a key role to play in all electoral reform, it may not be in a position to implement reform without the support of its key stakeholders – particularly the government, the legislature and the political parties. This is a significant reason for EMBs maintaining a strong relationship with their stakeholders (see chapter 8 of this Handbook).

551. An EMB can only implement *legal reform* within the established legal framework agreed by the government and legislature. However, an EMB may have a key research, review and advocacy role in promoting electoral legal reform, which can be guided by the standards detailed in International IDEA's publication *International Electoral Standards: Guidelines for Reviewing the Legal Framework of Elections.* Electoral legal reform can be assisted by establishing an appropriate permanent body of the legislature to monitor electoral activities and recommend electoral reforms to the government. Effective legal electoral reform depends on a multiparty approach within the legislature that subordinates political advantage to electoral ethical principles and good practice.

552. An EMB has more control over the implementation of *administrative reforms,* and can implement them more effectively, if it formally adopts a continuous review and reform process within its management policies. However, legal and administrative reforms often need to be synchronized to optimize their effectiveness. In India, for example, while the EMB has

modernized its election procedures extensively, reform of the election machinery has not kept pace (see the case study).

> Unless an EMB maintains a process for review of its administrative strategies, policies, procedures and practices, its effectiveness will diminish, as it will have no mechanism to deal with change in its legal, stakeholder, technological, financial and social environments.

553. *Political and legal* reform issues in relation to electoral processes are often strongly associated. As with legal reform, EMBs do not control political reform, although again they can play a research and advocacy role, and cultivate support among key stakeholders.

554. Key steps for an EMB to consider in proposing and implementing electoral reforms include:

a. assigning responsibilities to specific members/staff for the development, advocacy and implementation of electoral reforms;
b. implementing effective processes, including post-electoral audits and evaluations, for review of the electoral framework and the implementation of electoral processes;
c. consulting with stakeholders to ascertain their views on required reforms and to enlist their support for the EMB's reform programme;
d. making submissions to the government and the legislature on desired electoral reforms;
e. publicizing desired electoral reforms through the media and use of stakeholder networks;
f. developing an electoral reform implementation strategy; and
g. evaluating the effects of electoral reforms.

The Scope of Electoral Reform

555. A significant area for electoral reform is the nature and structure of the *institutions* engaged in electoral management or in delivering electoral services. Here, reforms may enhance the independence of the EMB – for example, the adoption of Independent Model electoral management in countries such as Indonesia, Mexico, Nigeria, Romania and South Africa. Electoral responsibilities may be reassigned among existing and/or new bodies to promote better service delivery – as in New Zealand, Sweden and the UK. In some cases, as in Sweden, the suggestions for reform of electoral management were initiated by the EMB itself. In others, as in New Zealand and the UK, the reforms of electoral management were initiated by the government. Pressure from local civil society or international groups may also instigate reform of electoral management arrangements, as in Georgia and Liberia.

556. Reforms to *electoral processes*, such as the introduction of a new electoral system, may have a broad effect on an EMB's strategies, policies and procedures. They may target key electoral

issues such as electoral participation and representation, the delimitation of electoral districts, voter registration, the registration and oversight of political parties, and improving electoral integrity. They may target specific technical or technological aspects of the electoral process, such as introducing new procurement or employment processes, voter registration systems, or voting and vote-counting methods or systems. They may involve social policies, such as reducing a gender imbalance in representation, improving access to electoral processes for marginalized sectors of society, or improving the representativeness of the EMB's own staff.

557. *Electoral system* reform, as in Fiji (see the case study), Indonesia, Lesotho (see the case study), Liberia and New Zealand, is one of the most far-reaching reforms in election administration. It is often the result of a functional need, for example, of perceptions of an 'unfairness' in representation, or of government ineffectiveness or lack of responsiveness. In 2003 Indonesia changed its electoral system from closed list proportional representation (PR) in very large electoral districts to open list PR in small electoral districts, in order to address perceived deficiencies in the links between voters and representatives, while maintaining the consensus nature of Indonesian governance. Electoral system reform places a substantial information responsibility on the EMB, and may require it to implement new methods of electoral district boundary delimitation, voting and vote counting.

558. EMBs can play a significant role in reform of *electoral district boundary delimitation* – as advocates of more transparent and equitable boundary delimitation processes; in providing expert opinions on boundary delimitation issues; and in ensuring that they exercise any responsibilities for boundary delimitation impartially, equitably and with integrity. Some electoral reforms have introduced multi-member districts, as this type of system, usually based on PR, can make electoral boundaries less of an influence on determining election results. Other reforms have required boundary delimitations based on 'one person, one vote, one value' (OPOVOV). Some reforms have attempted to make boundary delimitation processes more transparent and objective, for example, by removing any role for the legislature in delimitation; having an independent body in charge of delimitation; and requiring open hearings and independent review of proposed boundaries.

559. The *process of registering electors* has attracted many efforts at modernization in both emerging and established democracies. Voter registration determines the ability of eligible voters to participate in an election, and thus is a key ingredient in the fairness of an election. As it generally occurs well before election day, and often outside the direct scrutiny of observers (especially where electoral registers are derived from civil or population registers), the internal integrity of voter registration systems needs to be very high. Reforms have targeted increasing the efficiency as well as the integrity of voter registration processes.

560. Many EMBs have implemented systems to improve the inclusiveness, fairness, accuracy and transparency of voter registration, for example, by providing for continuously updated voter registration, special registration provisions for transient voters, and safeguards against wrongful rejection of registration or removal from the electoral register. EMBs and other agencies responsible for maintaining data from which electoral registers are derived are improving the integrity of the electoral registers through better methods of checking the identity of qualified

persons, and reducing data processing times, often using modern technological solutions. EMBs need to ensure that technological solutions for voter registration enjoy the trust of the citizens and are sustainable, especially in emerging democracies where EMBs may have uncertain levels of future financial support.

561. There have been significant reforms in the role played by EMBs in *monitoring and regulating the activities of political parties.* Some are the consequences of legal reforms targeted at providing a more level playing field for political competition – for example, reforms in the administration of state funding of political parties and candidates' election campaigns, and the qualifications for registration of parties and candidates to contest elections. Others have been targeted at improving oversight of campaign contributions and expenditure, and the internal democracy of political parties – such as oversight of candidate selection processes. Reforms to promote a level playing field for elections have also given some EMBs responsibilities to administer or monitor arrangements that require the media to allocate campaign advertising opportunities equitably.

562. A growing number of EMBs are introducing *new voting methods.* Brazil and India have introduced EVMs with a view to replacing manual voting. Many of the issues that need to be considered in reforming electoral processes by introducing electronic voting are dealt with in chapter 10 of this Handbook and the case study on information technology.

563. There have been significant efforts to *make electoral participation more accessible.* Access to voter registration has sometimes been opened to those who are out of the country, of no fixed abode, or in prison. Access to polling has been widened for many people through the introduction of in-person absentee or postal voting, including for voters who are out of the country, and by providing special voting and voter information facilities for refugees, internally displaced persons, the disabled, the aged and those in remote areas, in prison or in hospital. EMBs have had to respond to all these reforms by introducing procedures and systems that enable the additional access while maintaining high integrity in the voter registration, voting and counting processes.

564. Reform of electoral access has attempted in some countries to provide equity in access for specific societal groups and for women. EMBs can promote equitable access by insisting on it in their own staffing, for example, by requiring gender balance in temporary staffing for polling stations, and using internal professional development programmes to ensure that women advance into EMB management positions.

Box 4: Reforming the Electoral Process and the Management of Elections in Romania

In March 2005, the Permanent Electoral Authority submitted to Parliament its report on the November–December 2004 parliamentary and presidential elections in Romania. This report included a number of recommendations for the improvement of electoral legislation based on the experiences derived from these elections. The recommendations are:

a. to codify all relevant legal provisions and government decisions in electoral matters into a consolidated electoral code, to ensure coherence and clarity;

b. to establish a Code of Conduct for Political Parties that participate in the electoral campaign;

c. to review the present normative framework to ensure more active participation by observers, the media and civil society organizations in the electoral process;

d. to harmonize regulations for electoral dispute resolution, and to clarify provisions relating to electoral fraud, including a clear definition of the sanctions for offences and of who is competent to impose them;

e. to unify the management of elections under a specialized institution that is specifically established for this task, replacing the existing legal framework which provides for complex electoral management arrangements, involving many institutions with different roles: these include the Permanent Electoral Authority, the Central Election Bureau, government ministries, the National Institute of Statistics, the High Court of Cassation and Justice, and the Constitutional Court;

f. to avoid amending electoral laws during the period preceding elections, except when this is necessary to correct serious deficiencies;

g. to test alternative methods of voting (e-voting, postal voting etc.) in order to seek to increase the level of voter turnout;

h. to initiate public information and voter education campaigns by the Permanent Electoral Authority to enhance voters' knowledge of the electoral process and encourage their participation, targeting in particular students, young people, minorities and persons with disabilities, and aiming to increase women's involvement in political life; and

i. to ensure that proper training programmes for polling officials take place so that they are fully acquainted with the details of the electoral laws and the polling procedures.

These recommendations will be evaluated and assessed by the Parliament, the government, civil society organizations and political parties, in an attempt to gather the highest possible consensus, so that they can be then converted into legislation and regulations. In May 2006, a parliamentary special commission to prepare an Electoral Code was established. Despite the fact that the Permanent Electoral Authority does not have a legal power to initiate legislation, it was invited to send a representative to participate in the work of the commission and to present the above recommendations.

Source: The Permanent Electoral Authority of Romania (<http://www.roaep.ro>).

Managing Electoral Change

565. Electoral change management requirements will depend on the extent of the reform and the specific electoral processes involved. Changes to the model of the EMB – for example, from a Governmental Model to an Independent Model – require particularly careful planning to ensure a smooth transition and the retention of skills and institutional memory. It is crucial that changes to electoral structures and frameworks are agreed long enough before electoral events to allow for the preparation of new materials and the effective implementation of training.

566. Especially where the process of change applies to the nature or structure and staff of an EMB, it is essential to appoint a skilled manager and communicator to oversee and implement the changes. Changing organizational structures and individual roles within structures will inevitably create tension. Transparency, honesty, serious consultation, communication and adequate forewarning are essential in managing personnel through electoral change. Timing is also critical. The staff of an EMB have skills and knowledge that may be difficult to replace, especially close to an election date. The involvement of members of the EMB in change management demonstrates the EMB's commitment to reforms.

567. The implementation of reforms relating to electoral technical processes may require the help of experts who specialize in particular technical areas. In implementing technical reforms, an EMB needs to be careful that the new procedural and system specifications are correct and have been correctly implemented. Thorough development review processes and pre-implementation testing are essential. The change management process also needs to include measurable indicators to evaluate the implementation of the electoral reforms, and clear responsibilities for reporting on indicators and for acting to improve performance if any indicator is not achieved.

CHAPTER SUMMARY

- Electoral reforms are changes targeted at improving implementation of the guiding principles of electoral administration described in chapter 1 of this Handbook.
- Electoral reforms may be directed at the electoral legal framework – including the institution of the EMB – the administrative and technical processes of electoral management, and the political context for electoral activities.
- No aspect of electoral frameworks, systems, institutions, planning, management or operations is immune from reform or modernization. EMBs need to have a clear strategy for developing or responding to and implementing electoral reforms.
- EMBs have vital roles as advocates for electoral reforms in general, as implementers of institutional reforms, and as initiators and implementers of administrative, including technical, reforms.
- Electoral reform needs to be carefully managed to ensure that it fulfils its purpose without confusing electors and with minimal disruption to electoral administration.

Annex A

World Survey: Electoral Management Bodies in 214 Countries and Territories

The classification in this annex is based on the legal form and institutional arrangements of each country and territory at the time of publication. It does not express any judgment of an EMB's performance or independence of action in practice. The number of EMB members does not include substitute members where these exist.

Countries and Territories	Model of Electoral Management	Name of EMB(s)	Number of EMB members
Afghanistan	Independent	Independent Election Commission	8
Albania	Independent	Central Election Commission	7
Algeria	Governmental	Ministry of Interior	N/A
Andorra	Mixed	Central government and communes Electoral Board	N/A 6
Angola	Independent	National Electoral Commission	11
Anguilla	Governmental	Supervisor of elections	N/A
Antigua and Barbuda	Independent	Electoral Commission	5
Argentina	Mixed	Ministry of Interior National Electoral Chamber	N/A 3
Armenia	Independent	Central Election Commission	8
Aruba	Governmental	Head Electoral Council	N/A
Australia	Independent	Electoral Commission	3
Austria	Governmental	Ministry of Internal Affairs	N/A

Term of office	Selection by	Chair appointed/ elected by	Party or expert based membership
3 years	President in consultation with expert advisers	President	Expert
7 years	Political parties, legislature, Judicial National Conference	EMB	Combined
N/A	N/A	N/A	N/A
N/A	N/A	N/A	N/A
4 years	Judiciary, legislature	Judiciary	Expert
Unspecified	Political parties, legislature	EMB	Combined
N/A	N/A	N/A	N/A
5 years	Government and opposition, upon consultation with the governor-general	Prime minister	Party
N/A	N/A	N/A	N/A
5 years	Judiciary	Judiciary	Expert
4 years	Political parties, president	EMB	Party
N/A	N/A	N/A	N/A
No more than 7 years	Chief justice of the Federal Court, government	Governor-general	Expert
N/A	N/A	N/A	N/A

Countries and Territories	Model of Electoral Management	Name of EMB(s)	Number of EMB members
Azerbaijan	Independent	Central Election Commission	18
Bahamas	Independent	Parliamentary commissioner	1
Bahrain	Governmental	Ministry of Justice and Islamic Affairs	N/A
Bangladesh	Independent	Election Commission	5
Barbados	Independent	Electoral and Boundaries Commission	5
Belarus	Independent	Central Commission on Elections	12
Belgium	Governmental	Ministry of Interior	N/A
Belize	Mixed	Ministry of the Public Service – Elections and Boundaries Department Elections and Boundaries Commission	N/A 5
Benin	Independent	Permanent Administrative Secretariat National Autonomous Electoral Commission	4 25
Bermuda	Governmental	Parliamentary Registrary	N/A
Bhutan[1]	Independent	Election Commission	3
Bolivia	Independent	National Electoral Court	5
Bosnia and Herzegovina[2]	Independent	Election Commission	7
Botswana	Independent	Independent Electoral Commission	7
Brazil	Independent	High Electoral Tribunal	7
British Virgin Islands	Governmental	Office of the Supervisor of Elections	N/A
Brunei Darussalam	´N´		
Bulgaria	Independent	Central Election Committee	No more than 25
Burkina Faso	Independent	Independent National Electoral Commission	15
Burma[3]	´N´		
Burundi	Mixed	Ministry of Interior Independent National Electoral Commission[4]	N/A Not yet specified
Cambodia	Independent	National Election Committee	5

Term of office	Selection by	Chair appointed/ elected by	Party or expert based membership
6 years	Political parties	Majority party in legislature	Combined
Unspecified	Government, leader of opposition	Governor-general	Expert
N/A	N/A	N/A	N/A
5 years	President	President	Expert
5 years	Prime minister, opposition	Governor-general	Expert
5 years	President, legislature	President in agreement with the legislature	Party
N/A	N/A	N/A	N/A
N/A	N/A	N/A	N/A
5 years	Prime minister, leader of opposition	Prime minister	Party
5 years	National Assembly from among civil servants	The most senior civil servant (ex officio)	Expert
For electoral period only	Legislature, president, judiciary, Human Rights Commission	EMB	Combined
N/A	N/A	N/A	N/A
5 years, or to age of 65, whichever is earlier	Unspecified	Monarch	Expert
4 years	President, legislature	EMB	Expert
5 years	Legislature	EMB	Expert
10 years	Judicial Service Commission, political parties	Judicial Service Commission	Combined
2 years	President, judiciary	EMB	Expert
N/A	N/A	N/A	N/A
4 years	Parliament, president, political parties	Parliament, president, political parties	Combined
5 years	Civil society, governing party, opposition	Civil society	Combined
N/A	N/A	N/A	N/A
Not yet specified	Not yet specified	Not yet specified	Not yet specified
Unspecified	Proposed by government and approved by legislature	Monarch on proposal of government and legislature	Expert

Countries and Territories	Model of Electoral Management	Name of EMB(s)	Number of EMB members
Cameroon	Mixed[5]	Ministry of the Territorial Administration and Decentralization	N/A
		National Elections Observatory	12
Canada	Independent	Chief electoral officer	1
Cape Verde	Mixed	Central Support Service for Elections	N/A
		National Elections Commission	5
Cayman Islands	Governmental	Supervisor of elections	N/A
Central African Republic	Mixed	Ministry of Territorial Administration	N/A
		Independent Mixed Electoral Commission	30
Chad	Mixed	Ministry of Interior	N/A
		Independent National Electoral Commission	31
		Constitutional Council	9
Chile	Independent	Electoral Service	1
China	´N´		
Colombia	Independent	National Electoral Council	9
Comoros	Independent	Independent National Electoral and Accreditation Commission	27
Congo, Republic of (Brazzaville)	Mixed	Ministry of Interior	N/A
		National Commission for the Organization of Elections	9
Congo, Democratic Republic of (DRC)	Independent	Independent Electoral Commission	21
Cook Islands	Governmental	Ministry of Justice	N/A
Costa Rica	Independent	Supreme Electoral Tribunal	3[6]
Côte D'Ivoire	Mixed	Ministry of Interior and Decentralization	N/A
		Independent Electoral Commission	31
Croatia	Independent	State Election Commission	5
Cuba	Mixed	Central State Administration and Local Government	N/A
		National Election Commission	17
Cyprus	Governmental	Central Electoral Service	N/A
Cyprus (North)	Governmental	Ministry of Interior – Electoral Service	N/A
Czech Republic	Governmental	State Electoral Commission	N/A
Denmark	Governmental	Ministry of Interior – Election Unit	N/A

Term of office	Selection by	Chair appointed/ elected by	Party or expert based membership
N/A	N/A	N/A	N/A
3 years	Political parties, civil society	President	Expert
To age of 65	Legislature	N/A	Expert
N/A	N/A	N/A	N/A
6 years	Legislature	EMB	Expert
N/A	N/A	N/A	N/A
N/A	N/A	N/A	N/A
Unspecified	President, opposition, civil society, executive	President	Combined
N/A	N/A	N/A	N/A
For electoral period only	Political parties, civil society	President	Combined
9 years	President, legislature	EMB	Expert
Unspecified	President in accordance with Senate	N/A	Expert
4 years	Legislature	Unspecified	Party
Unspecified	Political parties, civil society	President	Combined
N/A	N/A	N/A	N/A
Unspecified	Government, political parties, civil society	Government	Combined
Transitional	Political parties, representatives of entities that are party to the Inter-Congolese Dialogue	Civil society representative of the Inter-Congolese Dialogue	Party
N/A	N/A	N/A	N/A
6 years	Supreme Court of Justice	EMB	Expert
N/A	N/A	N/A	N/A
6 years	Political parties, civil society, executive, judiciary	President	Combined
For electoral period only	Judges of the Supreme Court and other prominent lawyers	The president of the Supreme Court (ex efficio)	Expert
N/A	N/A	N/A	N/A
For electoral period only	State Council (executive)	State Council (executive)	Party
N/A	N/A	N/A	N/A
N/A	N/A	N/A	N/A
N/A	N/A	N/A	N/A
N/A	N/A	N/A	N/A

Countries and Territories	Model of Electoral Management	Name of EMB(s)	Number of EMB members
Djibouti	Mixed	Ministry of Interior Decentralization Independent National Electoral Commission	N/A 13
Dominica	Independent	Electoral Commission	5
Dominican Republic	Independent	National Board of Elections	9
Ecuador	Independent	Supreme Electoral Tribunal	7
Egypt	Governmental	Ministry of Interior	N/A
El Salvador	Independent	Supreme Electoral Tribunal	5
Equatorial Guinea	Mixed	Ministry of Interior Central Elections Board	N/A No less than 13
Eritrea	Independent	Election Commission	5
Estonia	Independent	National Electoral Committee	7
Ethiopia	Independent	National Electoral Board	7
Falkland Islands	Governmental	Office of the Registrar General	N/A
Fiji	Independent	Electoral Commission	5
Finland	Governmental	Ministry of Justice – Election Unit	N/A
France	Mixed	Ministry of Interior – Bureau of Elections Constitutional Council	N/A 9
Gabon	Mixed	Ministry of Interior Bureau of the National Electoral Commission	N/A 7
Gambia	Independent	Independent Electoral Commission	5
Georgia	Independent	Central Election Commission	7
Germany	Governmental	Ministry of Interior	N/A
Ghana	Independent	Electoral Commission	7
Gibraltar	Governmental	Electoral officer	N/A
Greece	Governmental	Ministry of Interior, Public Administration and Decentralization	N/A
Grenada	Governmental	Supervisor of elections	N/A
Guatemala	Independent	Supreme Electoral Tribunal	5
Guernsey	Independent	District returning officers	One per district or parish[9]

Term of office	Selection by	Chair appointed/ elected by	Party or expert based membership
N/A	N/A	N/A	N/A
5 years	President, executive, legislature, political parties, civil society	President	Expert
5 years	President	President after consultation with EMB	Combined
4 years	Legislature	Senate	Expert
10 years	Political parties	EMB	Combined
N/A	N/A	N/A	N/A
5 years	Legislature, judiciary	Legislature	Combined
N/A	N/A	N/A	N/A
For electoral period only	Political parties, government, judiciary	EMB	Combined
Unspecified	President, legislature	President	Party
4 years	Judiciary	EMB	Expert
6 years	Prime minister	Legislature	Expert
N/A	N/A	N/A	N/A
5 years	Prime minister, opposition	President	Expert
N/A	N/A	N/A	N/A
N/A	N/A	N/A	N/A
9 years	President, National Assembly and Senate	President	Expert
N/A	N/A	N/A	N/A
For electoral period only and permanent[7]	Political parties, executive, judiciary	Constitutional Court	Combined
7 years	Judicial Service Commission, Public Service Commission	President	Expert
6 years	Legislature[8]	President	Expert
N/A	N/A	N/A	N/A
Unlimited	Council of State (executive)	President	Expert
N/A	N/A	N/A	N/A
N/A	N/A	N/A	N/A
N/A	N/A	N/A	N/A
6 years	A Special Commission of scholars from law school	The head of the University of San Carlos de Guatemala is chair ex officio	Expert
For electoral period only	Judiciary	N/A	Expert

Countries and Territories	Model of Electoral Management	Name of EMB(s)	Number of EMB members
Guinea (Conakry)	Independent	National Autonomous Electoral Commission	22
Guinea-Bissau	Independent	National Election Commission	8
Guyana	Independent	Elections Commission	7
Haiti	Independent	Permanent Electoral Council	9
Holy See (Vatican City)	`N`		
Honduras	Independent	Supreme Electoral Tribunal	3
Hungary	Mixed	Ministry of Interior – National Election Office	N/A
		National Electoral Committee	5
Iceland	Mixed	Ministry of Justice and Ecclesiastical Affairs	N/A
		National Electoral Board	5
India	Independent	Election Commission	3
Indonesia	Independent	General Election Commission	No more than 11
Iran, Islamic Republic of	Governmental	Ministry of Interior – Executive Board of Election	N/A
Iraq	Independent	Independent Electoral Commission	9
Ireland, Republic of	Governmental	Department of the Environment, Heritage and Local Government	N/A
Israel	Independent	Central Elections Committee	No more than 31
Italy	Governmental	Ministry of Interior – Central Direction of Electoral Service	N/A
Jamaica	Independent	Electoral Advisory Committee	5
		Director of elections	1
Japan	Mixed	Ministry of Internal Affairs and Communications – Election Division	N/A
		Central Election Management Council	5
Jersey	Independent	Parish returning officer	One for each parish
Jordan	Governmental	Ministry of Interior	N/A
Kazakhstan	Independent	Central Election Committee	3+[11]
Kenya	Independent	Electoral Commission	22
Kiribati	Independent	Electoral Commission	3 to 5

Term of office	Selection by	Chair appointed/ elected by	Party or expert based membership
5 years	President	EMB	Combined
4 years	President	President	Expert
Unspecified	President, opposition	President	Party
9 years	Supreme Court, executive, National Assembly	EMB	Expert
4 years	Legislature	EMB[9]	Party
N/A	N/A	N/A	N/A
4 years	Political parties	EMB	Expert
N/A	N/A	N/A	N/A
4 years	Legislature	EMB	Expert
6 years, or to age of 65, whichever is earlier	President	President	Expert
5 years	Legislature	EMB	Expert
N/A	N/A	N/A	N/A
Transitional	UN selection and competition	EMB	Expert
N/A	N/A	N/A	N/A
4 years	Political parties, judiciary	Supreme Court	Party
N/A	N/A	N/A	N/A
18 months – 4 years[10]	Prime minister, opposition, nominated members of EMB[10]	EMB	Combined
Unlimited	Governor-general	N/A	Expert
N/A	N/A	N/A	N/A
3 years	Legislature	EMB	Expert
For electoral period only	Judiciary	N/A	Expert
N/A	N/A	N/A	N/A
5 years	President in consultation with political parties	Parliament	Combined
5 years	President, political parties	President	Combined
5 years	Government	President	Expert

Countries and Territories	Model of Electoral Management	Name of EMB(s)	Number of EMB members
Korea, Democratic People's Republic of	Governmental	Not available	N/A
Korea, Republic of	Independent	National Election Commission	9
Kuwait	Governmental	Ministry of Interior	N/A
Kyrgyzstan	Independent	Central Commission on Elections and the Conducting of Referenda	13
Lao People's Democratic Republic	Mixed	Ministry of the Interior National Election Committee	N/A 17
Latvia	Independent	Central Election Commission	9
Lebanon	Governmental	Ministry of Interior	N/A
Lesotho	Independent	Independent Electoral Commission	3
Liberia	Independent	National Elections Commission	7
Libyan Arab Jamahiriya	`N`		
Liechtenstein	Independent	Election Commission	11
Lithuania	Independent	Central Elections Committee	15
Luxembourg	Governmental	Commission for Voting	N/A
Macedonia, Former Yugoslav Republic of	Independent	State Election Commission	No less than 9
Madagascar	Mixed	Ministry of Interior and of Administrative Reform National Advisory Electoral Commission	N/A 7
Malawi	Independent	Electoral Commission	7
Malaysia	Independent	Electoral Commission	7
Maldives	Mixed	Office of the Commissioner of Elections Committee on Elections	N/A 5
Mali	Mixed	Ministry of Territorial Administration Independent National Electoral Commission Constitutional Court	N/A 15 9
Malta	Independent	Electoral Commission	9
Man, Isle of	Governmental	Chief Secretary's Office	N/A
Marshall Islands	Governmental	Ministry of Internal Affairs	N/A
Mauritania	Independent	Independent National Electoral Commission	15

Term of office	Selection by	Chair appointed/ elected by	Party or expert based membership
N/A	N/A	N/A	N/A
6 years	President, National Assembly, Chief Justice	Chief justice	Expert
N/A	N/A	N/A	N/A
5 years	Legislature, president	President with the consent of Parliament	Unspecified
N/A	N/A	N/A	N/A
4 years	National Assembly	Unspecified	Expert
4 years	Legislature, political parties in parliament	Legislature	Party
N/A	N/A	N/A	N/A
5 years	Political parties	Monarch	Expert
7 years	President with consent of Senate	President with consent of Senate	Expert
4 years	Political parties	Government	Party
4 years	Legislature	Legislature	Combined
N/A	N/A	N/A	N/A
5 years	President, political parties, judiciary	President	Combined
N/A	N/A	N/A	N/A
5 years	Executive, president, judiciary, civil society	EMB	Expert
4 years	Political parties	Judicial Service Commission	Combined
To age of 65	Monarch in consultation with the Conference of Rulers	Monarch	Expert
N/A	N/A	N/A	N/A
Unspecified	President	Unspecified	Expert
N/A	N/A	N/A	N/A
Unlimited	President, political parties, civil society	President	Party
7 years	President, legislature and Supreme Judicial Council	EMB	Expert
3 years	Political parties	President	Party
N/A	N/A	N/A	N/A
N/A	N/A	N/A	N/A
Transitional	Government, political parties and civil society	Government, political parties and civil society	Expert

Countries and Territories	Model of Electoral Management	Name of EMB(s)	Number of EMB members
Mauritius	Independent	Electoral Commissioner	1
		Electoral Supervisory Commission	Chair and up to 7 members
Mexico	Independent	Federal Electoral Institute	9
Micronesia, Federated States of	Governmental	National Election Director	N/A
Moldova, Republic of	Independent	Central Electoral Commission	9
Monaco	Mixed	Municipality	N/A
		Electoral Commission	6
Mongolia	Independent	General Election Commission	9
Montenegro	Independent	Republic Election Commission	9[13]
Montserrat	Governmental	Department of Administration	N/A
Morocco	Governmental	Ministry of Interior	N/A
Mozambique	Independent	Technical Secretariat for Election Administration (STAE)	N/A
		National Election Commission	19
Namibia	Independent	Electoral Commission	5
Nauru	Governmental	Clerk to the Legislative Assembly	N/A
Nepal	Independent	Election Commission	Unspecified[15]
Netherlands	Mixed	Ministry of the Interior and Kingdom Relations	N/A
		Electoral Council	7
Netherlands Antilles	Governmental	Head Elections Office	N/A
New Zealand	Governmental	Ministry of Justice	N/A
Nicaragua	Independent	Supreme Electoral Tribunal	7
Niger	Independent	Independent National Electoral Commission	30
Nigeria	Independent	Independent National Electoral Commission	13
Niue	Governmental	Chief Electoral Officer	N/A
Norway	Governmental	Ministry for Local Government and Regional Development	N/A
Oman	Governmental	Ministry of Interior	N/A
Pakistan	Independent	Election Commission	5

Term of office	Selection by	Chair appointed/ elected by	Party or expert based membership
Unlimited	Judicial and Legal Services Commission	N/A	Expert
5 years	President after consultation with prime minister and leader of opposition	President	Expert
7 years	Legislature	Legislature[12]	Expert
N/A	N/A	N/A	N/A
5 years	President, legislature, executive	EMB	Combined
N/A	N/A	N/A	N/A
For electoral period only	Political parties	The mayor is chair ex officio	Combined
6 years	Legislature, judiciary, president	Legislature	Expert
4 years	Legislature, political parties	EMB	Combined
N/A	N/A	N/A	N/A
N/A	N/A	N/A	N/A
N/A	N/A	N/A	N/A
5 years	Political parties, civil society[14]	EMB based on nomination by civil society	Party
5 years	Judicial Committee	EMB	Expert
N/A	N/A	N/A	N/A
6 years, or to age of 65, whichever is earlier	Constitutional Council	Monarch	Expert
N/A	N/A	N/A	N/A
4 years	Monarch	Monarch	Expert
N/A	N/A	N/A	N/A
N/A	N/A	N/A	N/A
5 years	Legislature	EMB	Expert
For electoral period only	Political parties, civil society, government	President	Combined
5 years	President, Senate, Council of State	President	Expert
N/A	N/A	N/A	N/A
N/A	N/A	N/A	N/A
N/A	N/A	N/A	N/A
3 years	President, Chief Justice of the Provincial High Courts, Chief Election Commissioner	President	Expert

Countries and Territories	Model of Electoral Management	Name of EMB(s)	Number of EMB members
Palau	Independent	Election Commission	5
Palestine	Independent	Central Elections Commission	9
Panama	Independent	Electoral Tribunal	3
Papua New Guinea	Independent	Electoral Commission	1
Paraguay	Independent	High Tribunal of Electoral Justice	3
Peru	Independent	National Electoral Tribunal	5
		National Office for Electoral Process	1
Philippines	Independent	Commission on Elections	7
Pitcairn Islands	Governmental	Mayor and island secretary	N/A
Poland	Independent	National Electoral Commission	9
Portugal	Mixed	Ministry of Internal Administration – Technical Secretariat for the Electoral Processes Matters (STAPE)	N/A
		National Elections Commission	9
Qatar	`N`		
Romania	Independent	Permanent Electoral Authority	3
		Central Election Bureau	25[19]
Russian Federation	Independent	Central Election Commission	15
Rwanda	Independent	National Electoral Commission	7
Saint Helena	Governmental	Office of the Chief Secretary	N/A
Saint Kitts and Nevis	Independent	Electoral Commission	3
Saint Lucia	Independent	Electoral Commission	3
Saint Vincent and the Grenadines	Independent	Supervisor of Elections	1
Samoa	Independent	Electoral Commissioner	1
San Marino	Governmental	Ministry of Interior	N/A
São Tomé and Principe	Governmental	Electoral Technical Cabinet	N/A
Saudi Arabia	`N`		
Senegal	Mixed	Ministry of Interior – Directorate General of Elections	N/A
		Autonomous National Election Commission	12

Term of office	Selection by	Chair appointed/ elected by	Party or expert based membership
4 years	President	Election Commission (EMB)	Expert
4 years	President	President	Expert
10 years	Executive, judiciary, legislature	EMB[16]	Expert
6 years	Prime minister, leader of opposition and chair of the Public Service Commission	N/A	Expert
5 years	Judiciary	EMB[17]	Expert
4 years	Judiciary	Judiciary	Expert
4 years	Judiciary[18]	N/A	Expert
7 years	President	President with consent of EMB	Expert
N/A	N/A	N/A	N/A
Unspecified	Judiciary	EMB	Expert
N/A	N/A	N/A	N/A
4 years	Judiciary, legislature, government	Judiciary	Expert
8 years	Legislature, president, prime minister	Legislature	Expert
For electoral period only	High Court of Cassation, political parties	EMB[20]	Combined
4 years	Political parties, legislature, president	EMB	Combined
3 years	Political parties, civil society	National Assembly	Party
N/A	N/A	N/A	N/A
Unspecified	Prime minister, leader of opposition	Governor-general	Expert
5 years	Prime minister, leader of opposition	Governor-general	Party
Unlimited	Public Service Commission	N/A	Expert
3 years	Government	N/A	Expert
N/A	N/A	N/A	N/A
N/A	N/A	N/A	N/A
N/A	N/A	N/A	N/A
6 years	Political parties, civil society, government	President	Expert

Countries and Territories	Model of Electoral Management	Name of EMB(s)	Number of EMB members
Serbia	Independent	Republican Electoral Commission	6[21]
Seychelles	Independent	Office of the Electoral Commissioner	1
Sierra Leone	Independent	National Elections Committee	5
Singapore	Governmental	Prime Minister's Office – Elections Department	N/A
Slovakia	Mixed	Ministry of Interior Central Election Commission	N/A 5
Slovenia	Independent	Republic Electoral Commission	11
Solomon Islands	Independent	Electoral Commission	3
Somalia	Independent	National Electoral Commission	7
South Africa	Independent	Independent Electoral Commission	5
Spain	Mixed	Ministry of Interior Central Electoral Board	N/A 13
Sri Lanka	Governmental[23]	Department of Elections	N/A
Sudan	Independent	General Elections Commission	3
Suriname	Independent	Central Polling Authority Independent Electoral Council	11[24] 7
Swaziland	Independent	Elections and Boundaries Commission	5
Sweden	Governmental	Election Authority	N/A
Switzerland	Governmental	Federal Chancellery – Section of Political Rights	N/A
Syrian Arab Republic	Governmental	Ministry of Interior	N/A
Taiwan	Independent	Central Election Commission	11 to 19
Tajikistan	Independent	Central Commission on Elections and Referenda	15
Tanzania, United Republic of	Independent	National Election Commission	7
Thailand	Independent	Electoral Commission	5
Timor Leste	Mixed	Ministry of State, Technical Secretariat for Election Administration (STAE) National Election Commission	N/A 13

Term of office	Selection by	Chair appointed/ elected by	Party or expert based membership
4 years	Legislature, political parties	EMB	Combined
7 years	Constitutional Appointments Authority	N/A	Expert
5 years	Political parties, legislature	EMB	Expert
N/A	N/A	N/A	N/A
N/A	N/A	N/A	N/A
For electoral period only	Political parties, government[22]	EMB	Party
4 years	Legislature	Legislature	Combined
4 years	Governor-general on advice from Judicial and Legal Service Commission	The Speaker of Parliament is chair ex officio	Expert
5 years	President, legislature	President	Party
7 years	Legislature	President	Expert
N/A	N/A	N/A	N/A
4 years	Supreme Council of the Judiciary, political parties	EMB	Expert
N/A	N/A	N/A	N/A
Unspecified	President in agreement with the National Council	President	Expert
Unspecified	President	President	Expert
6 years	President	President	Expert
12 years	Monarch	Monarch	Expert
N/A	N/A	N/A	N/A
N/A	N/A	N/A	N/A
N/A	N/A	N/A	N/A
3 years	Prime minister	President	Combined
5 years	President	Legislature	Party
5 years	President	President	Expert
7 years	Senate	Monarch	Expert
N/A	N/A	N/A	N/A
For electoral period only	Government	EMB	Expert

Countries and Territories	Model of Electoral Management	Name of EMB(s)	Number of EMB members
Togo	Mixed	Ministry of Interior, Permanent Administrative Secretariat	N/A
		Independent National Electoral Commission	9
Tokelau	Mixed	Director of Support Services, Tokelau Public Service[25]	N/A
		Referendum Commission[26]	9
Tonga	Governmental	Supervisor of elections	N/A
Trinidad and Tobago	Independent	Election and Boundaries Commission	5
Tunisia	Governmental	Ministry of Interior	N/A
Turkey	Independent	Supreme Election Council	7
Turkmenistan	Independent	Central Commission for Elections and the Conduct of Referendums	Unspecified
Turks and Caicos Islands	Governmental	Supervisor of elections	N/A
Tuvalu	Governmental	Ministry of Home Affairs	N/A
Uganda	Independent	Electoral Commission	7
Ukraine	Independent	Central Election Commission	15
United Arab Emirates	`N`		
United Kingdom of Great Britain and Northern Ireland	Governmental	Local authorities[27]	N/A
United States of America	Governmental	Local authorities	N/A
Uruguay	Independent	Electoral Court	9
Uzbekistan	Independent	Central Election Commission	15
Vanuatu	Independent	Electoral Commission	3
		Principal Electoral Officer	1
Venezuela	Independent	National Electoral Court	5
Viet Nam	Governmental[28]	Election Council	N/A
Yemen	Independent	Supreme Commission for Elections and Referendum	9
Zambia	Independent	Electoral Commission	5
Zimbabwe	Independent	Zimbabwe Electoral Commission	7

Term of office	Selection by	Chair appointed/ elected by	Party or expert based membership
N/A	N/A	N/A	N/A
Unspecified	Court of Appeal president, government, opposition	The president of the Court of Appeal is chair ex officio	Party
N/A	N/A	N/A	N/A
For electoral period only	Faipule (head) and 2 others from each village	Unspecified	Expert
N/A	N/A	N/A	N/A
5 years	Prime minister, opposition	President	Expert
N/A	N/A	N/A	N/A
6 years	Judiciary	EMB	Expert
For electoral period only	Legislature	Legislature	Party
N/A	N/A	N/A	N/A
N/A	N/A	N/A	N/A
7 years	Legislature	President, legislature	Expert
7 years	President	EMB	Expert
N/A	N/A	N/A	N/A
N/A	N/A	N/A	N/A
5 years	Political parties, legislature	Legislature	Combined
5 years	Legislature	EMB	Party
5 years	Judicial Service Commission	President	Expert
Unlimited	Public Service Commission	N/A	Expert
7 years	Legislature after nomination from civil society organizations	EMB	Expert
N/A	N/A	N/A	N/A
6 years	Legislature	EMB	Expert
No more than 7 years	President	President	Expert
5 years	Parliamentary Committee	President in consultation with the Judicial Services Commission	Expert

Notes

[1] In early 2006 a draft constitution was awaiting ratification.

[2] Chair rotates between members once every 15 months.

[3] The UN name is Myanmar. No elections since 1990.

[4] According to the 2005 election law, the EMB is still to be established, with details to be determined in a separate law.

[5] In February 2006, the government pledged to create a new independent body. It had not been decided by June 2006 when this independent body would be created or what it would be called. The implication of the new structure is that the Ministry of the Territorial Administration and Decentralisation will hand over the organization of elections, and that the National Elections Observatory will be scrapped.

[6] Starting from one year before any presidential or legislative elections and until 6 months after the completion of such elections, the EMB is enlarged to 5 members to include two of its 6 substitute members.

[7] Chairman's and deputy chairman's term limited to 1 election only. The 2 rapporteurs, the secretary general and the director of statistics, are permanent.

[8] Legislature selects ordinary members from nominations by president.

[9] Rotating on a yearly basis among the EMB members.

[10] Two members are selected by the prime minister and the opposition and have a term of office of 18 months. The remaining 3 are selected by these 2 nominated EMB members, for a 4 years term.

[11] Chair, vice chair, secretary and an unspecified number of members.

[12] Elected by a majority of two-thirds of the members of the Chamber of Deputies.

[13] Nine members plus one representative of each political party nominating candidates.

[14] Civil society only nominates candidates for the position of chair of the commission.

[15] A chief election commissioner and such additional commissioners as are deemed necessary.

[16] Rotating every two years among the EMB members.

[17] Rotating on a yearly basis among the EMB members.

[18] Open contest under certain criteria established by a special branch of the judiciary.

[19] Including the president and the vice-president of the Permanent Electoral Authority.

[20] Chairperson is elected by the 7 judges who are members of the Bureau, among themselves.

[21] Six members and a maximum of three representatives of electoral lists.

[22] The recorder of the commission is appointed by the government.

[23] The establishment of an independent commission was agreed in a constitutional amendment before 2002, but has not yet been implemented.

[24] This was the number of members in 2005, although this is not specified in the law.

[25] Staff appointments to the TPS are made by the New Zealand State Services Commission. Policy direction comes from the Administrator of Tokelau, which is a senior position within the New Zealand Ministry of Foreign Affairs and Trade.

[26] These provisions relate to the 2006 referendum on self-determination. Other arrangements remain transitional.

[27] Legislation and regulations are drafted by the government. For referendums only the Independent model is used (see case study).

[28] The Standing Committee of the National Assembly has a supervisory role over elections which is not clear.

N/A: Not applicable.

'N': No national elections.

Annex B

Glossary

Absentee voting – A mechanism by which voters are enabled to cast a vote which does not involve their attendance at a polling station on the day or days fixed for voting

Amalgamation of results – The incorporation of the votes into a unified result. Also known as *tabulation*

Announcement of results – See *Declaration of results*

Arbitrary dismissal – Removal from an official or staff position without due cause and due procedure

Audit trail – A sequence of verifiable records that are maintained to track activities, for example, movement and numbers of electoral materials, *tabulation* of electoral results, changes to computerized records, maintenance of financial records and determination of policies

Baseline budget – A budget formulation method in which the funding allocation by the financing authority for the previous funding period is taken and adjusted to give the estimate for the next period. Also called *incremental budget*

Boundary delimitation – The process for determining the way in which constituency or electoral area boundaries are drawn; it deals with the division of a country into electoral districts and the allocation of electors to electoral districts and polling sites. Sometimes called districting or boundary demarcation

Budget (electoral) – A document containing an itemized summary of proposed electoral incomes and expenditures in relation to specified activities by a specified organization or part of an organization, for a defined future period

By-election – An election to fill a vacant seat in an elected assembly held at any time other than at a general election

Calendar (electoral) – A document containing a sequence of tasks and the dates and deadlines for their performance during the planning, implementation and completion of an *electoral event*

Campaign (electoral) – Political activity, including meetings, rallies, speeches, parades, broadcasts, debates and other media events designed to inform the electorate of or gather support for the platform of a particular candidate or political party in an election or to promote a choice available to voters in a *direct democracy instrument*

Candidate – A person who is nominated to contest an election either as a political party representative or independent of any political party's support

Candidate nomination – The process by which political parties/organizations and/or individual candidates submit their intention to compete in an election, often subject to meeting qualification criteria set out in the law

Cascade training – A method of training in which a core central group of trainers are trained in both electoral technical matters and training techniques, who in turn train others 'face to face' at a lower level. The second level trains the third level and so on, until all targeted staff are trained

Centralized EMB – An organizational structure for an EMB, most often found in countries with unitary constitutions, in which the powers to conduct and implement all aspects of electoral processes at all levels are vested in the national-level EMB

Certification of results – The formal endorsement and confirmation of election results

Chair – The head of an independent EMB under the *Independent* or *Mixed Model of electoral management.* Formal titles may include *chief electoral commissioner* or *EMB President*

Chief electoral commissioner – See *Chair*

Chief electoral officer – A title that may be used for the head of an EMB *secretariat*. Other titles that may be used include chief executive officer, director of elections, *secretary-general* and EMB Secretary. Where the EMB is independent, the chief electoral officer can in some cases also be a member of the EMB

Citizens' initiative – A *direct democracy instrument* that allows a certain number of citizens to initiate a vote of the electorate on a proposal outlined by those citizens. The proposal may for example amend the constitution, or adopt, repeal or amend an existing law

Civic education – An information and/or educational programme which is designed to increase the comprehension and knowledge of citizens' rights and responsibilities

Civil registry – A centrally held master database containing information generated by the administrative infrastructure of a country involving the mandatory collection of information from many sources and containing information such as the name, gender, nationality, age, marital status and address of all citizens. *Electoral registers* and other documents may be drawn from it when required

Civil servant – An employee of a central or local government ministry or department, sometimes subject to a single common set of employment procedures, terms and conditions laid down by government

Claims (electoral) – Complaints presented by different electoral actors to dispute resolution procedures in the course of the *electoral process* regarding decisions, actions, or lack of action by electoral administrators or other participants in the *electoral process*. See also *electoral dispute resolution*

Closed list – A form of *List Proportional Representation* in which electors are restricted to voting only for a party or political grouping, and cannot express a preference for any candidate within the list presented by a party or grouping

Code of conduct – A set of general rules of behaviour, for example for members and/or staff of an EMB, or for political parties, with respect to participation in an *electoral process*

Combined EMB – An independent EMB under the *Independent* or *Mixed Model of electoral management* some of whose members are non-partisan experts and some of whose members represent political parties or interests. See *Expert-based EMB* and *Multiparty-based EMB*

Commissioner – A term used for a member of an *electoral commission*. Sometimes the term is limited to the EMB chair, and in rare cases the term is used inconsistently to refer to specific senior staff of the secretariat. See *Member* (of an EMB)

Consolidated electoral law – A single piece of legislation which gathers together all laws related to electoral processes in a country, some times referred to as the electoral code

Consolidated fund – The reserved revenue funds of a country which the national Treasury manages. Expenses that are charged directly to the Fund are not subject to change or ministerial delays

Constituency – A synonym for *electoral district* used predominantly in some Anglophone countries. See *Electoral district*

Constitutional Council – A term for the supreme body concerned with constitutional and other issues, which may be either part of the judicial branch or a separate body entrusted with adjudicating the constitutionality of laws and in some cases other tasks, including tasks related to electoral processes

Core costs – Those costs routinely associated with implementing an *electoral process* in a stable electoral environment. They include the basic costs of voter registration, *boundary delimitation,* voting operations, the counting and transmission of results, and *voter information*. Sometimes called *'direct costs'*

Decentralized EMB – A model of *electoral administration* in which the powers to conduct and implement different electoral processes and/or different aspects of electoral processes have been delegated by the EMB at national level to sub-national EMBs or sub-national branches of the national EMB

Declaration of results – Oral or written formal public communication of the result of an electoral event. This may consist of the number of votes received by each candidate or political party contesting an election, and of the candidate(s) and/or party(ies) entitled to sit as/seat an elected member(s) under the provisions of the electoral law; or of the number of votes recorded for each of two or more options presented in the use of a *direct democracy instrument*

Diffuse costs – Costs for electoral-related services that cannot be disentangled from the general budgets of agencies that assist with the implementation of an *electoral process.* Sometimes referred to as *indirect costs*

Direct costs – See *Core costs*

Direct democracy instrument – An instrument which gives citizens the right to be directly involved in the political decision-making process. It may take one of three forms: *referendum; citizens' initiative;* or a *recall vote*

District – Used in this Handbook to mean *Electoral district*

Domestic observer – An individual or representative of an organization who is authorized and accredited to observe and assess the performance of the election process in her/his own country

Donor – A country or intergovernmental or non-governmental organization which provides support in the form of money, in kind contribution and/or technical assistance to the *electoral process* in another country

Electoral activity – A portion of an election task that can be assigned to one or more persons. In some election operational plans, the term 'activity' is equated to or used interchangeably with the term 'task'

Electoral administration – The measures necessary for conducting or implementing any aspect of an *electoral process*

Electoral administrator – A person who directs, manages and/or implements any of the operations of an EMB on a day-to-day basis

Electoral commission – A title often given to an independent EMB under the *Independent Model* or to the component independent EMB under the *Mixed Model of electoral management*

Electoral court – Court of justice or other body before which an electoral actor may dispute the validity of an election, or challenge the conduct of candidates, political parties or the EMB. See also *electoral tribunal*

Electoral cycle – The full series of steps involved in the preparation, implementation and evaluation of an election or *direct democracy instrument,* viewed as one electoral event in a continuing series. In addition to the steps involved in a particular *electoral process,* it includes pre-electoral activities such as the review of relevant legal and procedural provisions and electoral registration, as well as post-electoral evaluation and/or audit, the maintenance of institutional memory, the process of consultation and the planning of the forthcoming *electoral process*

Electoral dispute resolution – The process of hearing and adjudication of any complaint, challenge, claim or contest relating to any stage of the *electoral process*

Electoral district – One of the geographic areas into which a country or region may be divided for electoral purposes. See also *constituency*

Electoral event – An election or *direct democracy instrument*

Electoral law – One or more pieces of legislation governing all aspects of the process for electing the political institutions defined in a country's constitution or institutional framework

Electoral management – The process of execution of the activities, tasks and functions of *electoral administration*

Electoral management body (EMB) – An EMB is an organization or body which has been founded for the sole purpose of, and is legally responsible for, managing some or all of the essential (or core) elements for the conduct of elections, and of *direct democracy instruments.* These essential (or core) elements include determining who is eligible to vote, receiving and validating the nominations of electoral participants (for elections, political parties and/or candidates), conducting balloting, counting votes, and *tabulation* of votes

Electoral network (international or regional) – A mechanism, which may be formal or informal, through which EMBs in different countries enable themselves to share knowledge, expertise and/or resources

Electoral observation – A process under which observers are accredited to access an *electoral process,* and may assess and report on the compliance of the *electoral process* with relevant legal instruments and international and regional standards

Electoral period – That central part of the electoral cycle containing a series of steps involved in the implementation of a particular *electoral process,* usually starting with the official announcement of polling day and ending with the announcement of final results

Electoral process – The series of steps involved in the preparation and carrying out of a specific election or *direct democracy instrument.* The *electoral process* usually includes the enactment of the electoral law, electoral registration, the nomination of candidates and/or political parties or the registration of proposals, the campaign, the voting, the counting and *tabulation* of votes, the resolution of electoral disputes and the announcement of results

Electoral register – The list of persons registered as qualified to vote. In some countries known as the *voters' list* or electoral roll

Electoral regulations – Rules subsidiary to legislation made, often by the *electoral management body* or the ministry within which an EMB is located, under powers contained in the *electoral law* which govern aspects of the organization and administration of an election

Electoral system – A set of rules and procedures which provides for the electorate to cast votes and which translates these votes into seats for parties and candidates in the legislature

Electoral tribunal – A judicial or other institution whose specific competence is to hear disputes on electoral matters. In Latin America, such a body is often also an EMB. See also *electoral court*

Electronic voting – Any method of voting using electronic means, including the use of electronic machines, the Internet, telephones, mobile phones or digital television. Often referred to as e-voting

EMB president – In some countries used as the official name of the EMB *chair*

Evaluation – An independent assessment of the relevance of an organization's strategic objectives to its *stakeholders'* needs, and the economy, efficiency and effectiveness with which the organization and its legal framework have met those needs

Expert-based EMB – An independent EMB under the *Independent* or *Mixed Model of electoral management* all of whose members are chosen and appointed because of their expertise, reputation or standing in the community. Also referred to as *non-partisan EMB*

External accountability – The requirements and/or methods through which an EMB reports to external *stakeholders* or a constitutional authority

External audit – Audit of an organization's financial records or operational activities by an independent person or body who/which is outside the structure of the organization being audited

External voting – A mechanism by which voters who are permanently or temporarily absent from a country are enabled to cast a vote, also called out-of-country voting

Financial audit – An independent examination of an EMB's accounting records to determine if they are maintained accurately and in accordance with accepted accounting standards and legal and regulatory requirements

Financial regulations – Rules subsidiary to legislation often made by the *electoral management body* or the ministry responsible for public sector financial management, governing financial management issues

Full-time EMB – An EMB all or most of whose members serve on a full-time basis during their *term of office*

General election – An election at which all those seats in an elected assembly at the national level which are subject to an election are filled simultaneously

Government audit agency – A government body which conducts a process of *external audit* to examine the financial transactions and in some cases the operational activities of other public sector bodies

Governmental Model of electoral management – An electoral management model where elections are organized and managed by the executive branch of government through a ministry, such as the Ministry of the Interior, and/or through local authorities

Horizontal communication – The passage of information, communication or instructions between different parts of an organization which are at the same level in its hierarchy

Incremental budget – See *baseline budget*

Independent candidate – A candidate for an elected position who is not nominated by a political party

Independent Model of electoral management – An electoral management model where elections are organized and managed by an EMB which is institutionally independent and autonomous from the executive branch of government, and which has and manages its own budget

Indirect costs – See *Diffuse costs*

Institutional memory – The ability of an organization to retain understanding, expertise and physical records in order to be able to access and use these even after the passage of time or after a major or total change of personnel

Integrity costs – Those costs, over and above the *core costs*, that are necessary to provide safety, integrity, political neutrality and a level playing field for an *electoral process.* They are particularly relevant for electoral events in post-conflict societies or emerging democracies

Internal accountability – Mechanisms by which the lower-level structures within an organization account to higher structures on their performance

Internal audit – An audit conducted by or on behalf of an organization for internal control purposes. Also used to describe the unit within an organization responsible for internal audits

International observer – Representative of an international organization, association, government or professional body, who is authorized and accredited to observe and assess the preparation for or conduct of an *electoral process* in a foreign country

Jurisdiction – Refers to the competence and geographic scope of an organization's direction-making, decision-making and implementation powers

Legal framework – The collection of legal structural elements defining or influencing an *electoral process,* the major elements being constitutional provisions, electoral laws, other legislation impacting on electoral processes, such as political party laws and laws structuring legislative bodies, subsidiary electoral rules and *regulations,* and codes of conduct

Liaison ministry – For an independent EMB under the Independent or Mixed Model of electoral management, the government ministry through which the EMB can channel its views and representations to the government, and vice versa

List Proportional Representation – A system in which each participant party or grouping presents a list of candidates for an *electoral district,* voters vote for a party, and parties receive seats in proportion to their overall share of the vote. Winning candidates are taken from the lists. Often referred to as 'List PR'. Common variants include 'closed list PR', in which electors

are restricted to voting only for a party or grouping, and 'open list PR' where electors can express their preference for a party or grouping and for one, or sometimes more, candidates from that party or grouping

Local authority – A body established as the legislative and/or executive arm of government at any sub-national level lower than a province, region or equivalent

Lower-level EMB – An EMB formed at any sub-national level, for example a province, region, district or commune

Member (of an EMB) – A person appointed or elected to serve on the body or committee which directs the conduct of elections and the implementation of the powers and functions of the EMB

Mixed Model of electoral management – An electoral management model with a dual structure which has a policy, monitoring or supervisory EMB that is independent of the executive branch of government (like an EMB under the *Independent Model* or *Mixed Model of electoral management*) and an implementation EMB located within a department of state and/or local government (like an EMB under the *Governmental Model of electoral management*)

Multi-member district – An *electoral district* from which more than one representative is elected to a legislature or elected body

Multiparty-based EMB – An EMB all of whose members are nominated by political parties

National Election Commission – A common title for an independent EMB under the *Independent* or *Mixed Model of electoral management,* with competencies over the entire territory of a country

Needs assessment – A method to address institutional sustainability, by which an organization informs itself of its current management capabilities and the resources, financial, technological and human, necessary to organize and conduct its activities

Nominating authority – A body which puts forward a *candidate* or candidates for election, selection or appointment to another body or to a position

Non-partisan member – An EMB *member* who has been appointed to the EMB other than as a representative of a political party

Observer – A person accredited to witness and assess, but not intervene in, the proceedings of an *electoral process*. See *domestic observer* and *international observer*

Open list – A form of *List Proportional Representation* in which voters can express a preference both for a party or grouping and for one, or sometimes more, candidates within the list presented by that party or grouping

Operational plan – A plan that defines the responsibilities and time periods for all activities that need to be undertaken to meet an organization's strategic objectives

Oversight body – A body charged with the task of ensuring that an *electoral process* is correctly conducted in line with the provisions of the legal framework

Paper audit trail – An *audit trail* where records are kept in printed or written form and not solely in an electronic form

Part-time EMB – An EMB all or most of whose members serve on a part-time basis during their *term of office*

Party symbol – An identification figure or sign allotted to a candidate or a political party in accordance with the *electoral law*

Performance accountability – Methods by which an organization internally and externally accounts for its progress towards achieving its strategic objectives and meeting its *stakeholders'* needs

Performance audit – Retrospective assessment of the economy, efficiency and effectiveness of electoral procedures, operations and financing against an EMB's strategic objectives within its legal and regulatory framework

Performance evaluation – Objective assessment against expected benchmarks of the value added to an organization by an employee's efforts

Performance standard – A statement of benchmark criteria to be achieved, without specifying how they are to be achieved

Permanent EMB – An EMB which has a continuous existence throughout the whole *electoral cycle* and takes care of electoral matters both during and between *electoral periods*

Political party based EMB – See *Multiparty-based EMB*

Political party registration – Compiling of a list of political parties that meet defined legal or regulatory qualifications and may thus qualify for privileges such as proposing the nomination of candidates for election

Polling district – An area in which all electors are allocated to vote at a single *polling station*

Polling official – An member of staff who participates in the administration of a *polling station* on polling day. Polling officials may or may not be members of the staff of an EMB

Polling station – A venue established for the purpose of polling and controlled by *polling officials*

Postal voting – A mechanism for voting in which a voter completes his or her ballot paper and returns it by post to an official designated to conduct the election

Post-electoral evaluation – A retroactive *evaluation* of the conduct of an *electoral process,* or specified parts of that process, that is completed after the *electoral period*

Post-electoral period – One of three periods of the *electoral cycle,* during which audit and *evaluation* takes place and during which legislation, regulations and administration are reformed and developed

Post-transitional elections – Second and subsequent elections held in a country after an initial election – following a period of, for example, dictatorship or civil war – that marked the commencement (or re-commencement) of democratic competition in elections

Pre-electoral period – One of three periods of the *electoral cycle,* during which planning and preparation for the conduct of elections take place, and during which legal and procedural provisions are reviewed

Primary election – A public election through which a political party chooses its candidates for a forthcoming *electoral process*

Proportional representation (PR) – An *electoral system* family based on the principle of the conscious translation of the overall votes of a party or grouping into a corresponding proportion of seats in an elected body. See *List Proportional Representation*

Public servant – An employee of any organization whose core funding is provided by the Treasury of a country

Qualified majority – A majority requirement which demands that for a proposal to be passed, it must receive a proportion of the vote in excess of 50 per cent plus 1 – for example, 2/3 or 3/4

Recall – A *direct democracy instrument* that allows a specified number of citizens to demand a vote of the electorate on whether an elected holder of public office should be removed from that office before the end of his/her *term of office*

Referendum – A *direct democracy instrument* consisting of a vote of the electorate on an issue of public policy such as a constitutional amendment or a bill. The results of the vote may be either binding or consultative

Regional EMB – An *electoral management body* at a sub-national level

Registration of political parties and candidates – The act of accepting the applications to participate in an election of political parties and candidates that meet defined criteria

Registration of voters – The act of entering the names of eligible electors and other relevant information in a register or list of electors

Screening process – A process through which checks are made to verify that a candidate for appointment as a *member* of an EMB or to the staff of an EMB meets the required qualifications

Secondary legislation – See *Subsidiary regulations*

Secretariat – The structure below the policy-making EMB member level in the *Independent* and *Mixed Model of electoral management,* which comprises the officials in the EMB who are responsible for policy implementation. In the G*overnmental Model of electoral management,* the secretariat is usually the sole component of the EMB, and may also have some policy-making functions

Secretary-general – A term often used for the head of an EMB *Secretariat,* who may or may not be a member of the EMB

Security of tenure – A legal measure to protect members and/or staff of an EMB from dismissal or adverse change to the terms and conditions of contract or employment without due cause and due process

Selection process – The mechanism, procedures and conditions for appointment and/or employment of members or secretariat staff of an EMB

Simple majority – A majority requirement which demands that the prevailing *candidate* in an election (or the prevailing option in a *direct democracy instrument*) obtains the highest number of valid cast votes

Single-member district – An *electoral district* from which only one member is elected to a legislature or elected body

Single-member EMB – An EMB where the powers and responsibilities for implementing the mandate of the EMB are vested by the legal framework in a single person

Special voting – Procedures and facilities for electors who are unable to implement the voting procedures or to access the *polling station* at which they are registered to vote

Staggered membership – A system under which members of an EMB are not all appointed at the same time and their terms of office do not end at the same time, usually used to ensure continuity in the work of an EMB

Stakeholders – Those individuals, groups and bodies which have an interest or 'stake' in the operations of an organization and/or which affect or are directly affected by the activities, policies and practices of the organization

Standing orders – A set of rules adopted by an organization to regulate its internal structures and procedures

State – In the context of a federal constitution, often refers to a sub-national unit of a country. In the context of supranational bodies or intergovernmental organizations, a member state refers to a country that has been accepted as a full member of that body or organization

Strategic plan – A document used by an organization to state the organizational vision, mission, values, priorities and objectives from which its structure and budget are derived

Subsidiary EMB – An EMB that is not the primary or principal entity responsible for the organization of elections within a country, and that assists the primary EMB and implements electoral tasks at local and regional levels

Subsidiary regulations – Rules consistent with, and made under powers granted by, a law, which provide details of the manner in which the law is to be implemented

Supranational body – An organization created by a number of countries by treaty where power is held by independent appointed officials or by representatives elected by the legislatures or people of the member states

Tabulation – The process of compiling the result of counting of votes cast in an *electoral process.* Also known as *amalgamation of results*

Task profiling – Analysis of the resources required to implement a specified task to meet specified parameters, such as time and quality

Temporary EMB – An EMB which exists only for a specified limited period, often for the *electoral period*

Term of office – The period of time for which a member of an organization serves following election or appointment

Transitional EMB – An EMB which is set up temporarily to facilitate transitional elections. It is normally set up under the auspices of the international community, such as the UN, and may consist of or include international experts as members

Trust fund – A mechanism for aggregating individual *donor* contributions into a single pool of funds, held in trust and administered by an external organization (e.g., the UNDP) for use in support of an *electoral process*

Vertical communication – The passage of information, communication or instructions through an organization upwards and downwards through two or more hierarchical levels

Voter – A person who casts a vote at an election or under a *direct democracy instrument*

Voter education – A process by which people are made aware of the *electoral process* and the particulars and procedures for voter registration, voting, and other elements of the *electoral process*

Voter information – A short-term programme focusing on specific electoral information, which aims to give relevant factual information about an *electoral process* to voters on a timely basis

Voter registration card – A card issued to identify a person registered as an elector in accordance with the provisions of the *electoral law*

Voters' list – See *Electoral register*

Zero base budget – A budget formulation method which treats each funding period for an organization as a clean slate, and estimates the funds required to achieve the planned outcomes for that period. See also *baseline budget*

Annex C

Further Reading

Association of Asian Election Authorities (AAEA) General Assembly, 'Transparency in Election Management, 2005', Taipei: AAEA, 2005

ACE Electoral Knowledge Network, <http://www.aceproject.org>

Baxter, Joe, 'Techniques for Effective Election Management', *Elections: Perspectives on Establishing Democratic Practices.* Paper presented at the African Election Administrators Colloquium, Victoria Falls, Zimbabwe, 15–18 November 1994 (New York: United Nations Department for Development Support and Management Services, 1997), <http://www.aceproject.org/ero-en/topics/electoral-management/techniques%20to%20effective%20election%20management.pdf/view>

Boda, Michael D. (ed.), 'Revisiting Free and Fair Elections: An International Round Table on Election Standards Organized by the Inter-Parliamentary Union, Geneva, November 2004', Geneva, IPU, 2005, <http://www.ipu.org/PDF/publications/ffelections_en.pdf>

del Castillo, Pilar and Zovatto, Daniel (eds), *La Financiación de la Política en Iberoamérica* [The financing of politics in Latin America] (San José, Costa Rica: Instituto Interamericano de Derechos Humanos, Centro de Asesoría y Promoción Electoral (IIDH/CAPEL), 1998)

Choe, Yonhyok, *How to Manage Free and Fair Elections: A Comparison of Korea, Sweden and the United Kingdom* (Gothenburg: University of Gothenburg, 1997)

— and Darnolf, Staffan, 'Evaluating the Structure and Functional Role of Election Administration in Contemporary Democracies', 95th annual meeting of the American Political Science Association (APSA), Atlanta, Georgia, 2–5 September 1999

Dundas, Carl W., *Compendium of Election Laws, Practices and Cases of Selected Commonwealth Countries,* 2 vols (London: Commonwealth Secretariat, 1998)

— *Dimensions of Free and Fair Elections: Frameworks, Integrity, Transparency, Attributes, and Monitoring* (London: Commonwealth Secretariat, 1994)

— (ed.), *Discussion of Election Issues in Commonwealth Africa: Selected Papers* (London: Commonwealth Secretariat, 1998)

— *Election Management Bodies: Constitutive Instruments* (London: Commonwealth Secretariat, 1999)

— 'Let's Talk About Elections', in *Proceedings of the Gaborone Workshop on Election Management Training, Gaborone, Botswana, 18–29 March 1996* (London: Commonwealth Secretariat, 1997)

— *Organising Free and Fair Elections at Cost-Effective Levels* (London: Commonwealth Secretariat, 1993)

Electoral Institute of Southern Africa (EISA), 'Promoting Principles for Election Management, Monitoring, and Observation in the SADC Region: As adopted on 6 November 2003 at the Kopanong Hotel and Conference Centre, Benoni, Johannesburg', Johannesburg, EISA, 2004, <http://www.eisa.org.za/PDF/pemmo.pdf>

Elklit, Jørgen, 'Electoral Institutional Change and Democratization: You Can Lead a Horse to Water, But You Can't Make It Drink', *Democratization,* 6/4 (winter 1999/2000), pp. 28–51

— and Reynolds, Andrew, 'The Impact of Election Administration on the Legitimacy of Emerging Democracies: A New Research Agenda', Working Paper no. 281, Kellogg Institute, Notre Dame, Ind., 2000

— and Reynolds, Andrew, 'Judging Elections and Election Management Quality by Process', *Representation,* 41/3 (2005), pp. 189–207

— and Reynolds, Andrew, 'Analysing the Impact of Election Administration on Democratic Politics', *Representation,* 38/1 (2001), pp. 3–10

Ernst & Ernst, *Election Administration, Volume I: Planning Elections* (Washington, DC: National Clearinghouse on Election Administration, 1979)

— *Election Administration, Volume II: Managing Elections* (Washington, DC: National Clearinghouse on Election Administration, 1979)

— *Election Administration, Volume III: Costing Elections* (Washington, DC: National Clearinghouse on Election Administration, 1979)

European Commission for Democracy through Law, *Second European Conference of Election Management Bodies: Strasbourg, 10–11 February 2005* (Strasbourg: European Commission, 2005), <http://www.venice.coe.int/docs/2005/CDL-EL(2005)049-bil.pdf>

Goodwin-Gill, Guy S., *Codes of Conduct for Elections* (Geneva: Inter-Parliamentary Union, 1998)

— *Free and Fair Elections: International Law and Practice,* new, expanded edn (Geneva: Inter-Parliamentary Union, 2006), <http://www.ipu.org/PDF/publications/Free&Fair06-e.pdf>

Harris, Peter, 'Building an Electoral Administration', in Peter Harris and Ben Reilly (eds), *Democracy and Deep-Rooted Conflict: Options for Negotiators* (Stockholm: International IDEA, 1998), pp. 308–19, <http://www.idea.int/publications/democracy_and_deep_rooted_conflict/#toc>

International Foundation for Election Systems (IFES), *Models of Election Commissions in Africa* (Washington, DC: IFES, 1995)

International Institute for Democracy and Electoral Assistance (IDEA), *Code of Conduct for the Ethical and Professional Administration of Elections* (Stockholm: International IDEA, 1997), <http://www.idea.int/publications/conduct_admin/index.cfm>

— *International Electoral Standards: Guidelines for Reviewing the Legal Framework of Elections* (Stockholm: International IDEA, 2002), <http://www.idea.int/publications/ies/index.cfm >

Kaplan, Constance Andrew, *A Guide to Transparency in Election Administration* (Washington, DC: International Foundation for Election Systems (IFES), 1997), <http://www.aceproject.org/ero-en/topics/voter-registration/vrx_o005.pdf/view>

Kumar, Krishna (ed.), *Postconflict Elections, Democratization and International Assistance* (Boulder, Colo.: Lynne Rienner, 1998)

Laanela, Therese, 'Crafting Sustainable Election Processes in New Democracies', *Representation,* 36/4 (1999), pp. 284–93

Lasham, Charles and Smith, George, in Nigel Buttler (ed.), *The Electoral Administrator's Manual* (Crayford: Shaw & Sons Ltd, 1992)

Lehoucq, Fabrice E., 'Can Parties Police Themselves? Electoral Governance and Democratization', *International Political Science Review,* 23/1 (2002), pp. 29–46

Lijphart, Arend, 'Advances in the Comparative Study of Electoral Systems', *World Politics,* XXXVI/3 (1984), pp. 424–36

López Pintor, Rafael, *Electoral Management Bodies as Institutions of Governance* (New York: UNDP, 2000), <http://www.undp.org/governance/docs/Elections-Pub-EMBbook.pdf>

Merloe, Patrick, *Democratic Elections: Human Rights, Public Confidence and the 'Level Playing Field'* (Washington, DC: National Democratic Institute for International Affairs, 1997)

Mozaffar, Shaheen, 'Patterns of Electoral Governance in Africa's Emerging Democracies', *International Political Science Review,* 23/1 (2002), pp. 85–101

— and Schedler, Andreas, 'The Comparative Study of Electoral Governance: Introduction', *International Political Science Review,* 23/1 (2002), pp. 5–27

Neufeld, Harry, 'Computerizing Electoral Administration: Part One', *Elections Today,* May 1995, pp. 18–21

— 'Computerizing Electoral Administration: Part Two', *Elections Today,* October 1995, pp. 22–23

Pastor, Robert A., 'A Brief History of Election Commissions', in A. Schedler, L. Diamond and M. F. Plattner (eds), *The Self-Restraining State* (Boulder, Colo.: Lynne Rienner, 1999)

— 'The Role of Electoral Administration in Democratic Transitions: Implications for Policy and Research', *Democratization,* 6/4 (winter 1999/2000), pp. 1–27

Reynolds, Andrew, Reilly, Ben and Ellis, Andrew, *Electoral System Design: The New International IDEA Handbook* (Stockholm: International IDEA, 2005), <http://www.idea.int/publications/esd/upload/ESD_full_with%20final%20changes%20inserted.pdf>

Research Institute of Social Sciences, 'Election Administration in a Comparative Perspective', *Journal of Behavioral and Social Sciences,* 37 (1992), pp. 1–227

United Nations Development Programme (UNDP), *Getting to the Core: A Global Survey on the Cost of Registration and Elections* (New York: UNDP Bureau for Development Policy; IFES, Center for Transitional and Post-Conflict Governance, 2005), <http://content.undp.org/go/cms-service/stream/asset/?asset_id=472992>

Annex D

EMB Web Sites

All the web sites in this list were tested and operational in July 2006. While it is as comprehensive as possible, it is not guaranteed to contain all EMB web sites which were functional at that date.

For governmental EMBs under the Governmental or Mixed Model of electoral management, the list shows the page of the web site of the relevant ministry which gives the most clear link to electoral matters.

The list does not include web sites from other public or private bodies which contain material about electoral administration.

Country	Name of EMB	Web Site
Afghanistan	Independent Electoral Commission	www.jemb.org
Albania	Central Election Commission	www.cec.org.al
Andorra	1. Central government and communes 2. Electoral Board	www.eleccions.ad
Anguilla	Supervisor of Elections	www.gov.ai/elections
Antigua and Barbuda	Electoral Commission	www.antiguaelections.com
Argentina	Ministry of Interior	www.mininterior.gov.ar/elecciones
Armenia	Central Election Commission	www.elections.am
Australia	Electoral Commission	www.aec.gov.au
Austria	Ministry of Internal Affairs	www.bmi.gv.at/wahlen
Azerbaijan	Central Election Commission	www.cec.gov.az
Bahrain	Ministry of Justice and Islamic Affairs	www.bahrain.gov.bh

Country	Name of EMB	Web Site
Bangladesh	Bangladesh Election Commission	www.ecs.gov.bd
Belgium	Ministry of Interior	www.ibz.fgov.be/code/fr/loc/instit.htm
Belize	Ministry of the Public Service, Elections and Boundaries Department	www.belize-elections.org
Benin	National Autonomous Electoral Commission	www.cena.bj
Bermuda	Parliamentary Registrary	http://bermuda.election.bm
Bolivia	National Electoral Court	www.cne.org.bo
Bosnia and Herzegovina	Election Commission	www.izbori.ba
Botswana	Independent Electoral Commission	www.iec.gov.bw
Brazil	High Electoral Tribunal	www.tse.gov.br
Burkina Faso	Independent National Electoral Commission	www.ceni.bf
Cambodia	National Election Committee	www.necelect.org.kh
Cameroon	National Elections Observatory	www.onelcam.org
Canada	Chief Electoral Officer	www.elections.ca
Cape Verde	National Elections Commission	www.cne.cv
Cayman Islands	Supervisor of Elections	www.electionsoffice.ky
Chile	Electoral Service	www.servel.cl/SERVEL/indexaspx?channel=5
Colombia	National Electoral Council	www.registraduria.gov.co
Congo, Democratic Republic of (Kinshasa)	Independent Electoral Commission	http://www.cei-rdc.cd
Costa Rica	Supreme Electoral Tribunal	www.tse.go.cr
Croatia	State Election Commission	www.izbori.hr
Cyprus	Central Electoral Service	http://moi.gov.cy/content.php?id=160
Denmark	Ministry of Interior, Election Unit	www.im.dk/Index/mainstart.asp?o=25&n=0&s=5
Djibouti	Ministry of Interior and of Decentralization	www.elec.dj
Dominican Republic	National Board of Elections	www.jce.do
Ecuador	Supreme Electoral Tribunal	www.tse.gov.ec
Estonia	National Electoral Committee	www.vvk.ee
Ethiopia	National Electoral Board	www.electionsethiopia.org
Fiji	Electoral Commission	www.elections.gov.fj

Country	Name of EMB	Web Site
Finland	Ministry of Justice, Election Unit	www.vaalit.fi/14173.htm
France	1. Ministry of Interior 2. Constitutional Council	1. www.interieur.gouv.fr 2. www.conseil-constitutionnel.fr /divers/plan.htm
Gambia	Independent Electoral Commission	www.iec.gm
Georgia	Central Election Commission	www.cec.gov.ge
Germany	Ministry of Interior	www.bundeswahlleiter.de
Greece	Ministry of Interior, Public Administration and Decentralization	www.ypes.gr
Guatemala	Supreme Electoral Tribunal	www.tse.org.gt
Guyana	Elections Commission	www.sdnp.org.gy/elections
Haiti	Permanent Electoral Council	www.cep-ht.org
Honduras	Supreme Electoral Tribunal	www.tse.hn
Hungary	Ministry of Interior - National Election Office	www.registrationshu.org; www.valasztas.hu/main_hu.html
Iceland	Ministry of Justice and Ecclesiastical Affairs	www.kosning2003.is/web/English
India	Election Commission	www.eci.gov.in
Indonesia	General Election Commission	www.kpu.go.id
Iran	Ministry of Interior: Executive Board of Election	www.moi.ir
Iraq	Independent Electoral Commission	www.ieciraq.org/English/Frameset_english.htm
Ireland, Republic of	Department of the Environment, Heritage and Local Government	http://www.environ.ie/DOEI/DOEIPol.nsf/wvwvNavView/wwdElections?OpenDocument&Lang=en
Israel	Central Elections Committee	www.knesset.gov.il/elections17/eng/cec/CecAboutGeneral_eng.htm
Italy	Ministry of Interior, Central Direction of Electoral Service	www.elezioni.interno.it/ind_conspopo.htm
Jamaica	Director of Elections	www.eoj.com.jm
Japan	Ministry of Internal Affairs and Communications - Election Division	www.soumu.go.jp/english/c-gyousei/index.html
Jordan	Ministry of Interior	www.moi.gov.jo
Kazakhstan	Central Election Committee	http://election.kz/portal/page?_pageid=73,1&_dad=portal&_schema=PORTAL
Kenya	Electoral Commission	www.eck.or.ke
Korea, Republic of	National Election Commission	www.nec.go.kr
Kuwait	Ministry of Interior	http://eservices1.moi.gov.kw/elections/mainmenu.nsf
Latvia	Central Election Commission	http://web.cvk.lv/pub/public/

Country	Name of EMB	Web Site
Lebanon	Ministry of Interior	www.moim.gov.lb
Liberia	National Election Commission	www.necliberia.org
Liechtenstein	Election Commission	www.llv.li/amtsstellen/llv-rk-amtsgeschaefte-wahlen_und_abstimmungen.htm
Lithuania	Central Elections Committee	www.vrk.lt
Luxembourg	Commission for Voting	www.elections.public.lu
Macedonia	State Election Commission	www.izbori.gov.mk
Malawi	Electoral Commission	www.sdnp.org.mw/~solomon/mec/index.htm
Malaysia	Electoral Commission	www.spr.gov.my
Mali	Ministry of Territorial Administration	www.matcl.gov.ml
Malta	Electoral Commission	www.electoral.gov.mt
Man, Isle of	Chief Secretary's Office	www.gov.im/cso/election
Mauritius	Office of Electoral Commissioner	www.gov.mu/portal/site/eco
Mexico	Federal Election Institute	www.ife.org.mx
Mongolia	General Election Commission	www.gec.gov.mn
Namibia	Electoral Commission of Namibia	www.ecn.gov.na
Nepal	Election Commission	www.election-commission.org.np
Netherlands	Electoral Council	www.kiesraad.nl
Netherlands Antilles	Head Elections Office	www.registrosivil.an
New Zealand	Ministry of Justice	www.elections.govt.nz
Nicaragua	Supreme Electoral Tribunal	www.cse.gob.ni
Nigeria	Independent National Electoral Commission	www.inecnigeria.org
Norway	Ministry of Local Government and Regional Development	www.odin.dep.no/krd
Pakistan	Election Commission	www.ecp.gov.pk
Palestinian Territories	Central Elections Commission	www.elections.ps
Panama	Electoral Tribunal	www.tribunal-electoral.gob.pa
Papua New Guinea	Electoral Commission	www.pngec.gov.pg
Paraguay	High Tribunal of Electoral Justice	www.tsje.gov.py
Peru	1. National Electoral Tribunal 2. National Office for Electoral Process	www.jne.gob.pe
Philippines	Commission on Elections	www.comelec.gov.ph
Poland	National Electoral Commission	www.pkw.gov.pl

Country	Name of EMB	Web Site
Portugal	1. Ministry of Internal Administration - STAPE 2. National Elections Commission	1. www.stape.pt 2. www.cne.pt
Romania	1. Permanent Electoral Authority 2. Central Election Bureau	1. www.roaep.ro 2. www.bec2004.ro
Russian Federation	Central Election Commission	www.cikrf.ru
Rwanda	National Electoral Commission	www.comelena.gov.rw
Saint Lucia	Electoral Commission	www.stlucia.gov.lc/agencies/electoral.htm
San Marino	Ministry of Interior	www.elezioni.sm/src/elezioni
Serbia	Republic Election Commission	www.rik.parlament.sr.gov.yu
Singapore	Elections Department	www.elections.gov.sg
Slovakia	Ministry of Interior	www.civil.gov.sk
Slovenia	Republic Electoral Commission	www.sigov.si/elections/rvk.html
South Africa	Independent Electoral Commission	www.elections.org.za
Spain	1. Ministry of Interior 2. Central Electoral Board	1. www.mir.es/DGPI 2. www.congreso.es
Sri Lanka	Department of Elections	www.slelections.gov.lk
Sweden	Election Authority	www.val.se
Switzerland	Section of Political Rights of the Federal Chancellery	www.admin.ch
Taiwan	Central Election Commission	www.cec.gov.tw
Thailand	Electoral Commission	www.ect.go.th/english
Uganda	Electoral Commission	www.ec.or.ug/
Ukraine	Central Election Commission	www.cvk.gov.ua
United Kingdom	Local authorities*	www.electoralcommission.gov.uk
United States of America	Local authorities*	www.fec.gov
Uruguay	Electoral Court	www.corteelectoral.gub.uy/gxpsites/hgxpp001.aspx
Venezuela	National Electoral Court	www.cne.gov.ve
Yemen	Supreme Commission for Elections and Referendum	www.scer.org.ye
Zambia	Electoral Commission	www.elections.org.zm

* The UK Electoral Commission is not responsible for the organization of elections, only referendums. The US Federal Election Commission is not responsible for the organization of elections.

Annex E

Regional EMB Network Web Sites

- ACEEEO - Association of Central and Eastern European Electoral Officials
  http://www.aceeeo.org/
- CAPEL - Centre for Electoral Promotion and Assistance
  http://www.iidh.ed.cr/capel/
- PIANZEA - Pacific Islands, Australia, New Zealand Electoral Administrators Network
  http://aec.gov.au/_content/how/international/pianzea/network.htm
- SADC ECF - Southern African Development Community Electoral Commissions' Forum
  http://www.sadc-ecf.org/
- UNIORE - The Inter-American Union of Electoral Organisations
  http://www.iidh.ed.cr/capel/uniore.htm

Annex F

About the Authors

Alan Wall has over 20 years of experience of electoral administration and as a democracy adviser. From 1984 to 1994 he held various senior management positions with the Australian Electoral Commission. He has since managed IFES projects in Azerbaijan in 1999 and in Indonesia between 2000 to 2004, been a senior electoral official for the United Nations in Eastern Slavonia in 1996 and Nigeria in 1998, and been an adviser to the South African government for the local government elections of 1995. During 2005 and 2006 he has directed Democracy International's local government election support programmes in Indonesia. Alan was one of the initial lead writers for the ACE (Administration and Cost of Elections) Project.

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Annex G

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Annex H

About International IDEA

Supporting democracy worldwide

Created in 1995, the International Institute for Democracy and Electoral Assistance – IDEA – is an intergovernmental organization that supports sustainable democracy. Working globally, but with a current focus on Africa and the Middle East, Latin America and South Asia, IDEA seeks to improve the design and effectiveness of democratic institutions, and to strengthen democratic processes. IDEA:

- provides researchers, policy makers, activists and media representatives with a forum in which to discuss democratic principles;
- blends research and field experience, develops methodologies and provides training to improve democratic processes; and
- promotes transparency, accountability and efficiency in managing elections.

Its main areas of activity include:

Democracy building and conflict management. IDEA's work in this area focuses on constitution building, reconciliation, inclusive dialogue and human security. It targets societies in transition, particularly those emerging from periods of violence and weak governance.

Electoral processes, including ensuring the professional management and independence of elections, adapting electoral systems, improving access and building public confidence. IDEA develops training modules and materials for election officials and provides comparative data and analyses on both the political and the technical aspects of designing, organizing and running elections.

Political parties, political equality and participation (including women in politics). IDEA's work includes the review of political parties' external regulations, public funding, their management and relations with the public. It also includes identifying ways to build commitment to inclusive politics, especially those related to the inclusion of women in politics, through for example the provision of comparative experiences on the application of special measures like gender quotas.

Membership

Membership of IDEA is open to governments. Currently IDEA has 24 member states: Australia, Barbados, Belgium, Botswana, Canada, Cape Verde, Chile, Costa Rica, Denmark, Finland, Germany, India, Mauritius, Mexico, Namibia, the Netherlands, Norway, Peru, Portugal, South Africa, Spain, Sweden, Switzerland and Uruguay. Japan has observer status.

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