Electoral Management Bodies (EMBs)

Exercise
<table>
<thead>
<tr>
<th>Policy making component</th>
<th>Electoral implementation component</th>
</tr>
</thead>
<tbody>
<tr>
<td>Independent Model EMBs</td>
<td>Independent of the executive branch of the government</td>
</tr>
<tr>
<td>Mixed Model EMBs</td>
<td>Independent of the executive branch of the government</td>
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<tr>
<td>Governmental Model EMBs</td>
<td>Institutionally part of/arranged/set up under the executive branch</td>
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</tbody>
</table>
(1) **Structural independence:**
It is a formal independence that can only be found in the constitution or the electoral law.

(2) ‘**Fearless independence/behavioural independence**’:
Normative independence of decision and action that is expected of all models of EMBs in that they do not bend to governmental, political or other partisan influences on their decisions.
A normative, fearless independence of decision and action is expected of all EMBs, no matter model, and can not be guaranteed only by adopting a structurally independent EMB.
The administrative structures

- National or provincial
- Centralized or decentralized
- Permanent or temporary EMB
1. How can an EMB’s independence of decision and action be strengthened (more than formally in the electoral law or constitution)?

2. When is a permanent EMB appropriate and when is a temporary EMB?
Factors that can promote independence of decision and action and influence EMB behaviour

- legal framework that embeds EMB independence
- range of powers
- cultural environment and the commitment of EMB members to independent decision making
- political and social expectations
- strong leadership
- appointment and recruitment procedures
- qualifications of members and terms of office
- oversight and accountability framework
- level of transparency
- whether the EMB has a legal personality and is able to sue and be sued
Full-time membership and permanent EMB structures

• workloads may be high throughout the electoral cycle
• recurring electoral activities
• ongoing voter education and information
• continuous voter registration
• continuing electoral law reforms

Part-time membership and temporary EMB structures

• Election dates are fixed
• EMBs have limited responsibility between elections
Division of EMB appointment powers between the executive and the legislature:

- Head of state nominates candidates to the legislature for confirmation
- Head of state appoints members on the advice of the prime minister and following consultation with the leader of the opposition
- The President nominates candidates, the legislature shortlists, the President appoints
- Legislature shortlists candidates for the president, the president chooses some of them and submits back to the legislature for approval