

# Electoral Management Bodies (EMBs)

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*Exercise*



**Independent Model EMBs**

**Mixed Model EMBs**

**Governmental Model EMBs**

**Policy making component**

**Electoral implementation 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
	Institutionally part of/arranged/set up under the executive branch	



# Independence

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## **(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



# Discussion in Groups

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

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- 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**

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- 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**

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- Election dates are fixed
- EMBs have limited responsibility between elections





## Division of EMB appointment powers between the executive and the legislature:

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- 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