Group Discussions
DEFINITION OF AN EMB

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.
QUESTION 1

• Should all electoral tasks/elements be concentrated to the EMB or should some tasks be allocated to supporting institutions? If yes, which and why?

• What are the advantages/disadvantages of distributing electoral tasks to institutions other than the EMB?
Some elements/functions that need to be undertaken

– Accreditation and regulation of the conduct of election observers
– Voter and civic education and information
– Determining who is eligible to vote
– Receiving and validating the nominations of electoral participants
– Regulating the conduct of the media during elections
– Conducting polling
– Regulating opinion polls
– Announcement and certification of election results
– Counting the votes
– Regulation of party finance
– Boundary delimitation
– Tabulating the votes
– Regulating the conduct of political parties and candidates
– Voter registration
– Registration of political parties and candidates
– Electoral dispute resolution (adjudication of electoral disputes)
An EMB has...

The Board of Commissioners

The Secretariat
<table>
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<th>Policy making component</th>
<th>Electoral implementation component</th>
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<td><strong>Independent Model EMBs</strong></td>
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<td><strong>Mixed Model EMBs</strong></td>
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<td><strong>Governmental Model EMBs</strong></td>
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QUESTION 2

What are some advantages and disadvantages of the Independent Model of EMBs?
Independence

(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.
QUESTION 3

What factors promote/affect independence of decision and action and influence EMB behaviour? Meaning, what is required for an EMB to be truly independent?
Use the tool...
QUESTIONS

QUESTION 1
- Should all electoral tasks/elements be concentrated to the EMB or should some tasks be allocated to supporting institutions? If yes, which and why?
- What are the advantages/disadvantages of distributing electoral tasks to institutions other than the EMB?

QUESTION 2
- What are some advantages and disadvantages of the Independent Model of EMBs?

QUESTION 3
- What factors promote/affect independence of decision and action and influence EMB behaviour? Meaning, what is required for an EMB to be truly independent?
Essential elements or core functions include:

- determining who is eligible to vote
- receiving and validating the nominations of electoral participants
- conducting polling
- counting the votes
- tabulating the votes

EMB or other institutions:

- boundary delimitation
- voter registration
- the registration and funding of political parties
- electoral dispute resolution
- voter and civic education and information
Other Functions and Responsibilities

- regulating the conduct of political parties and candidates;
- regulating the conduct of the media during elections;
- regulating opinion polls;
- the accreditation and regulation of the conduct of election observers;
- the announcement and certification of election results;
- the adjudication of electoral disputes;
- advising the government and legislature on electoral reform issues; or
- participating in international electoral assistance services.
The Three EMB Models

- **Independent EMBs**
  - One component EMB, such as:
    - Central Electoral Commission

- **Mixed EMBs**
  - Two component EMB, such as:
    - Ad hoc CEC
    - Ministry of Justice

- **Governmental EMBs**
  - One component EMB, such as:
    - Ministry of Interior

Or:
- **Electoral Tribunal**
- **Electoral Council**
  - and
  - **Ministry of Interior**

CEC = Central Election Commission
Advantages of Independent Model

• 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: 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
Disadvantages of Independent Model

- 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
Factors that can promote independence of decision and influence EMB behaviour:

- Legal framework that embeds EMB independence
- Range of powers
- Composition of EMBs
- Appointment mechanisms and recruitment procedures
- Conditions of service and security of tenure for EMB members
- Multiparty vs. expert based EMBs
- Status of EMB members
  - When is full-time appropriate?
    - Workloads may be high throughout the electoral cycle
    - Recurring electoral activities
    - Ongoing voter education and information
    - Continuous voter registration
    - Continuing electoral law reforms

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

- Head of state nominates candidates to the legislature for confirmation
- 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
Factors that can promote independence of decision and action and influence EMB behaviour

- legal framework that embeds EMB independence
- range of powers
- composition of EMBs
- appointment mechanisms and recruitment procedures
- conditions of service and security of tenure for EMB members
- oversight and accountability framework
- decision-making processes
- level of transparency
- cultural environment and political and social expectations
- the commitment of EMB members to independent decision making
- whether the EMB has a legal personality and is able to sue and be sued
COMPOSITION OF EMBs

- Multiparty vs. expert based EMBs
- Status of EMB members
- How many EMB members?
- Qualifications and term of office
- Full-time vs. part-time membership

When is full-time appropriate?

- Workloads may be high throughout the electoral cycle
- Recurring electoral activities
- Ongoing voter education and information
- Continuous voter registration
- Continuing electoral law reforms
Appointment mechanisms and recruitment procedures

- Selection, nomination, appointment
- Open advertisement and screening mechanisms
- Unilateral appointment
- Consultative appointment

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