

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.

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.

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.