

# 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**

	<b>Independent Model</b>	<b>Mixed Model</b>	<b>Governmental Model</b>
<b>Policy-making component</b>	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
<b>Electoral implementation component</b>	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
<ul style="list-style-type: none"> <li>• Where the public service has tradition of neutrality, it may provide professional, loyal service</li> <li>• Knowledge of general public administration issues may reduce EMB training needs</li> <li>• May have networks within the public service that assist electoral activities (e.g. in procurement of materials, use of state facilities)</li> <li>• Offer a clear career path, even if not in the EMB</li> <li>• May be cost-effective and provide a pool of staff that can be used flexibly to meet staffing needs</li> <li>• Job security may promote continuity of staffing and organizational learning</li> </ul>	<ul style="list-style-type: none"> <li>• May not be regarded as neutral or impartial, thus reducing the credibility of the electoral process</li> <li>• May lack specific electoral skills</li> <li>• May not be accustomed to the time-critical nature of electoral tasks</li> <li>• May transfer/be transferred out of the EMB with little notice, resulting in critical skill losses</li> <li>• Pay scales may be insufficient to motivate performance or loyalty</li> <li>• May be working second jobs due to low pay, thus affecting commitment at critical times</li> </ul>

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.

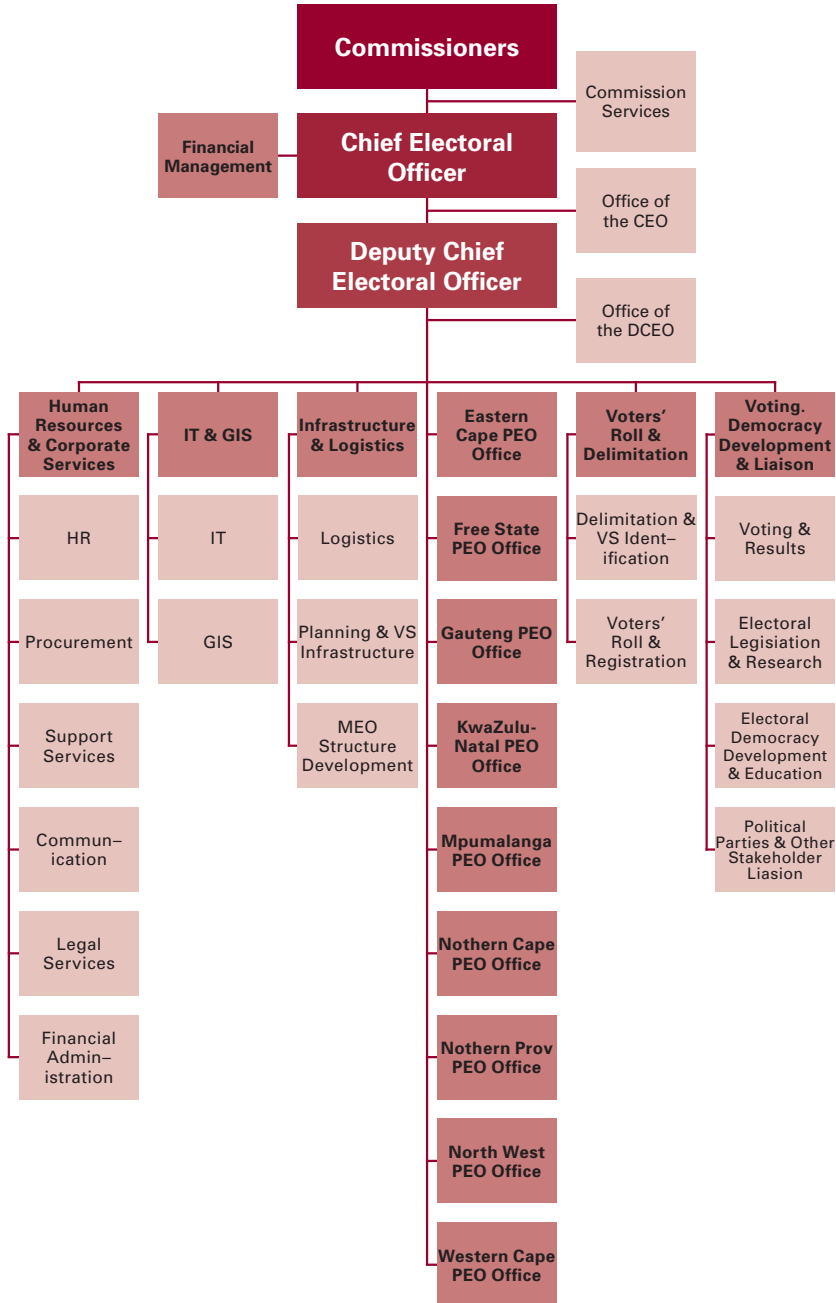
240. Some EMBs are structured into two main divisions:

- 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.

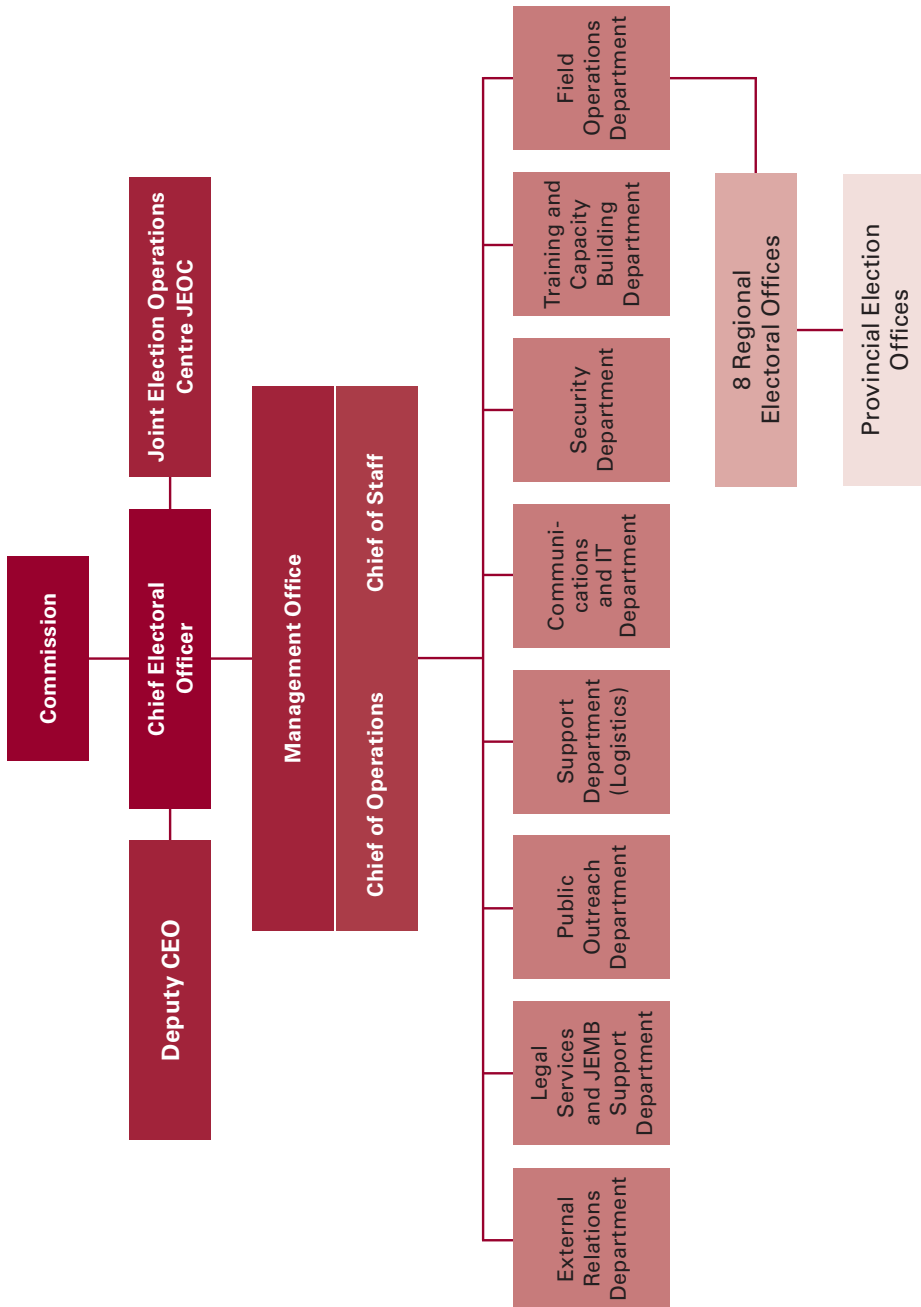
242. This two-division structure may not, however, necessarily fit specific electoral environments. There are a large variety of structures deemed appropriate by EMBs, some of which are presented in the case studies. Judgement on an appropriate structure has to be made by each EMB bearing in mind its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

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



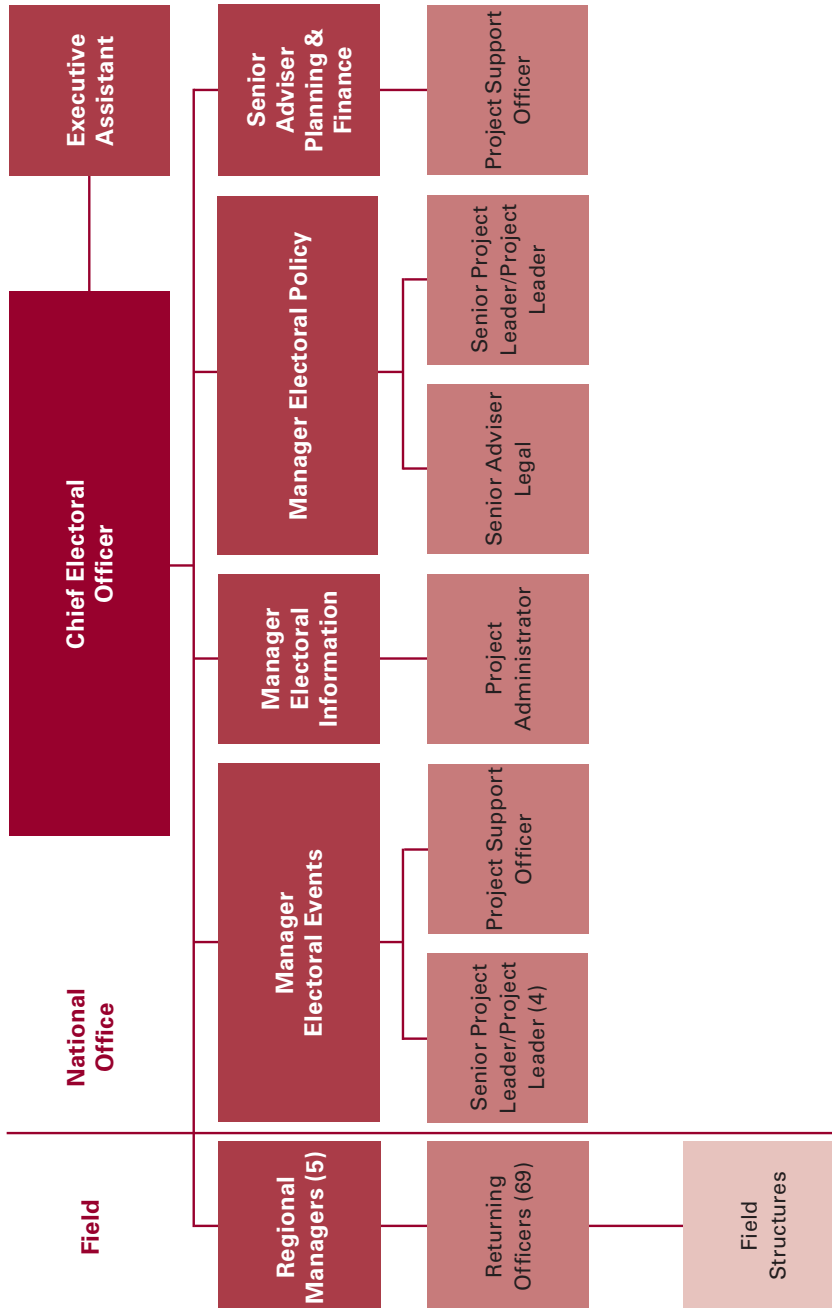
Source: Website of the Independent Electoral Commission of South Africa (<<http://www.elections.org.za/organizational.asp>>).

**Figure 4: Organizational Structure of the Afghanistan EMB**



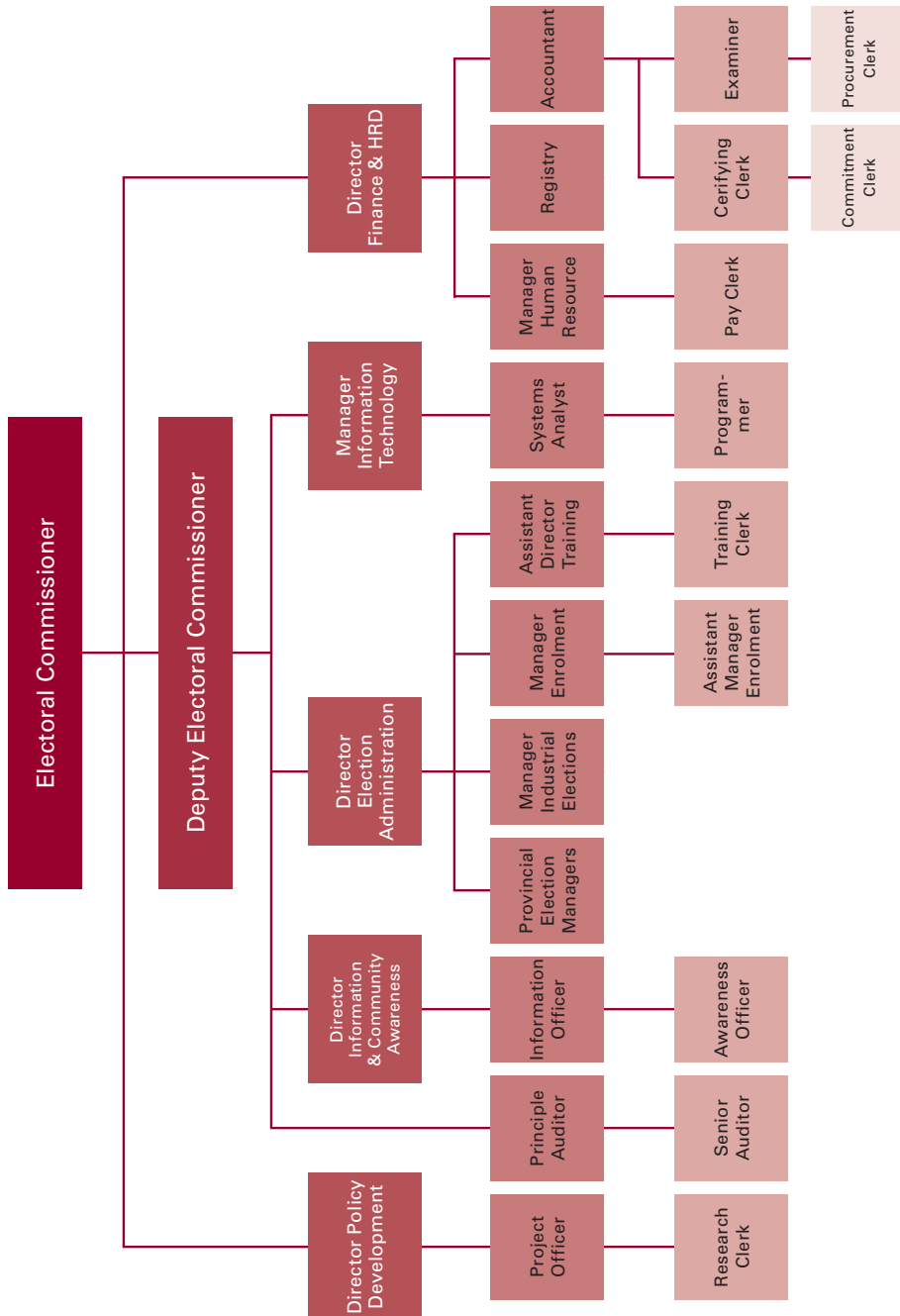
Source: Based on the narrative description of the structure provided on the website of the Joint Electoral Management Body – JEMB of Afghanistan (<[http://www.jemb.org/eng/jemb\\_content.html](http://www.jemb.org/eng/jemb_content.html)>).

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



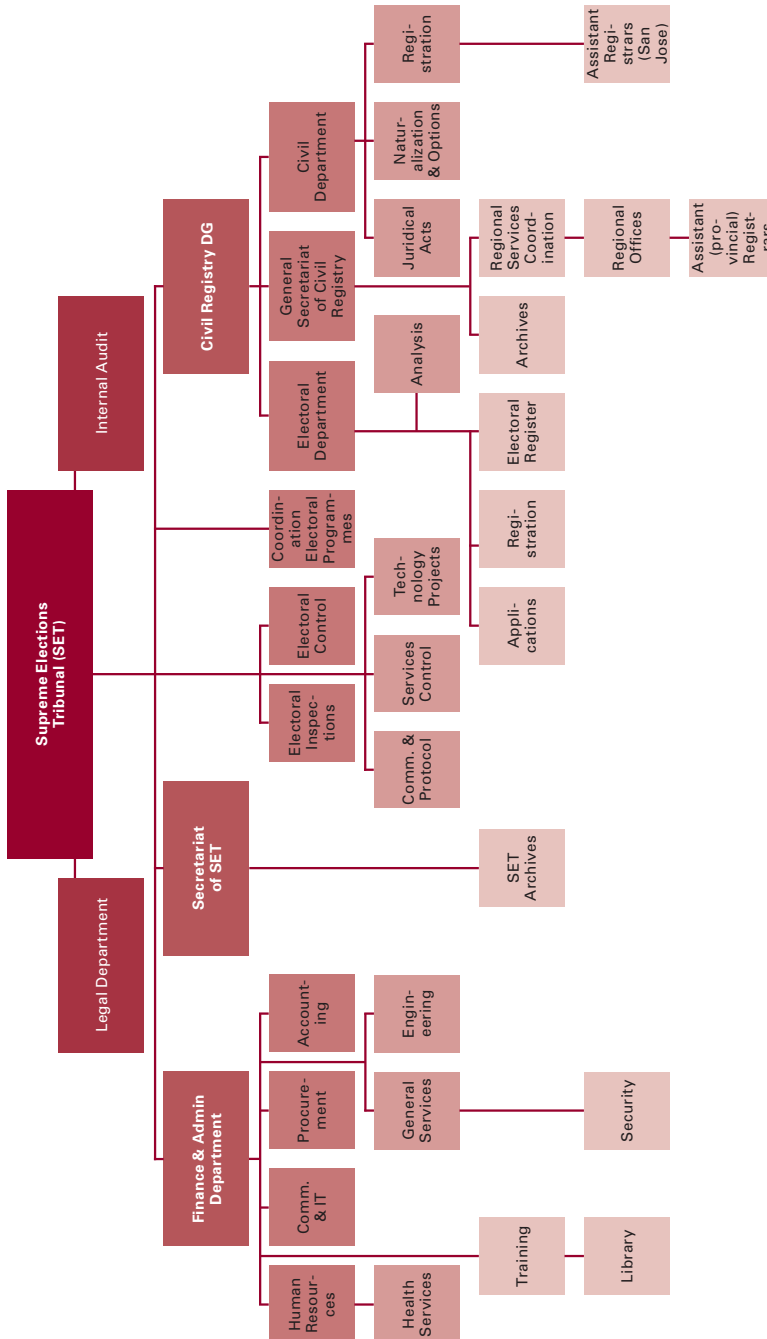
Source: New Zealand Chief Electoral Office Business Plan 1 January 2003 – 30 June 2006 (<[http://www.elections.govt.nz/uploads/chief\\_electoral\\_office\\_business\\_plan\\_2003-2006.pdf](http://www.elections.govt.nz/uploads/chief_electoral_office_business_plan_2003-2006.pdf)>).

**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 expectations of AEC clients and stakeholders about the electoral services we deliver;
- the unique challenge presented by the AEC's dispersed geographical structure 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 initiatives;
- 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\\_plano6o63o.pdf](http://www.aec.gov.au/_content/what/publications/aec_corp_plano6o63o.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
<b>Nomination of candidates</b>					
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.
<b>Election campaign</b>					
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
<b>Preparatory tasks for the conduct of voting operations</b>					
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
<b>Accreditation of party representatives and observers</b>					
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.
<b>Voting, counting the votes and announcement of results</b>					
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.

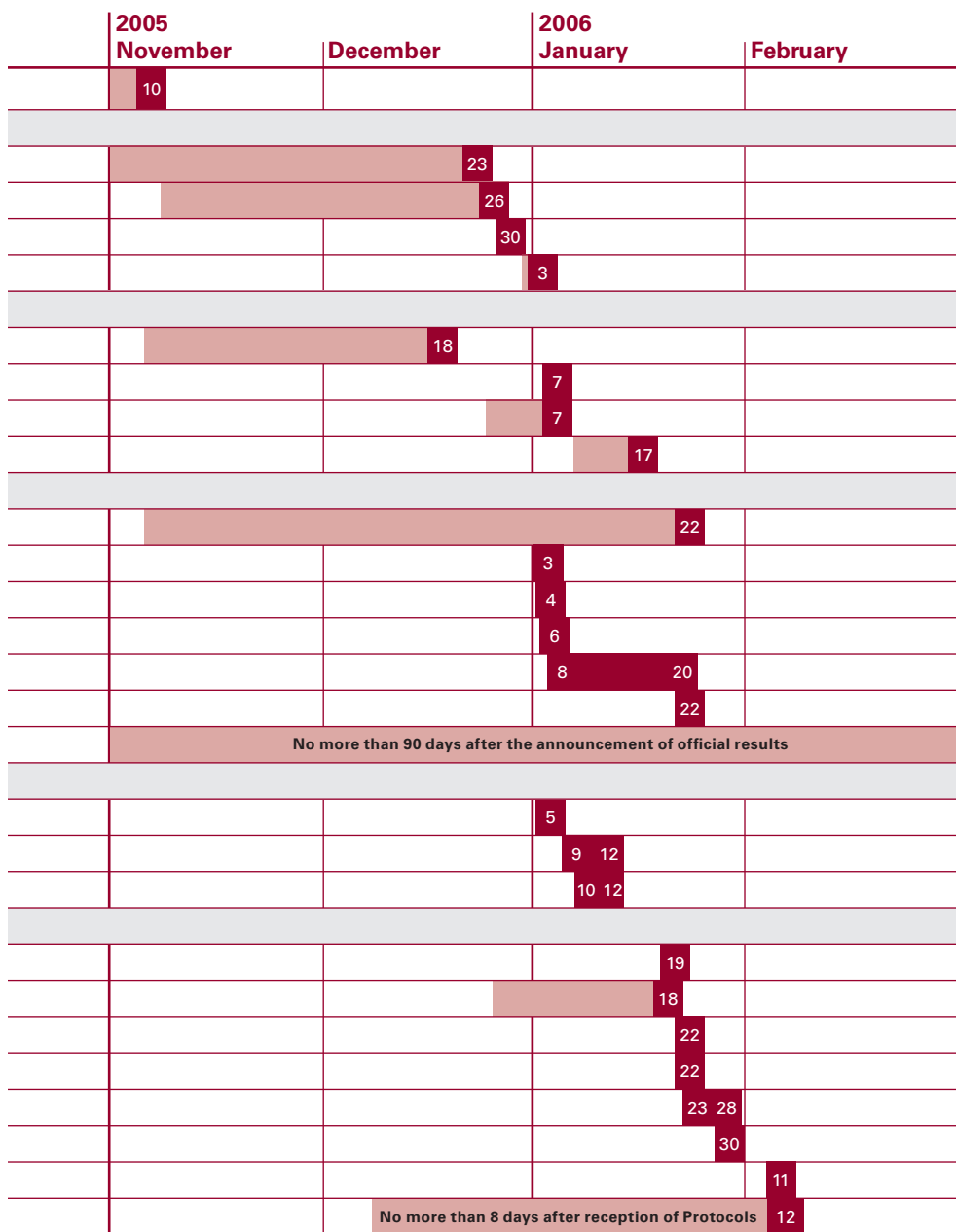
\*\* No further details have been provided by source.

*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*
<b>Date of Elections announced by President</b>	Art 11
<b>Nomination of Candidates</b>	
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
<b>Establishment of Polling Stations, Presentation of Representatives and Appointment of Polling Station Staff</b>	
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
<b>Electoral Campaign</b>	
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
<b>Early Voting: Military, Security Forces, Prisoners, Hospitalized, etc</b>	
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
<b>Polling, Counting and Results</b>	
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 Técnico dos Assuntos Para o Processo Eleitoral – STAPE) of Portugal (<[http://www.stape.pt/data2005/PR2006\\_quadro\\_crono.pdf](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.

# 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.

# 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 Libertação 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.