

United Nations  
Focal Point for Electoral Assistance  
Department of Political Affairs  
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## **Policy Directive**

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# **UN Support to the Design or Reform of Electoral Management Bodies**

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## **Policy Directive on UN Support to the Design or Reform of Electoral Management Bodies**

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### **A. PURPOSE**

1. This policy directive outlines important considerations in relation to the design or reform of electoral management bodies and a variety of the most widely used electoral management options. It also recalls relevant principles of UN electoral policy and provides measures in order to guide UN electoral assistance providers on how to support national authorities in designing or reforming electoral management bodies (EMBs). This policy is complementary to the policy directive on "Principles and Types of UN Electoral Assistance" (Ref. FP/02/2014) and should be read in conjunction with it.

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### **B. SCOPE**

2. This directive applies to all entities of the United Nations system that provide UN electoral assistance. For the purpose of this policy, United Nations and UN are understood to refer to the entire UN system, that is, all UN departments, funds, programmes, entities, trust funds, commissions, peacekeeping missions, special political missions, peacebuilding missions, country teams and other bodies. This also applies to advisory missions or services of a limited duration.

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### **C. RATIONALE**

3. The UN Focal Point for Electoral Assistance, the Under-Secretary-General for Political Affairs, (hereafter "the Focal Point") is the system lead in the development, issuance and dissemination of UN electoral policy. UN electoral policy is defined as the normative framework and prescriptive guidance that apply to all UN entities providing electoral assistance. This policy directive has been developed as part of the efforts of the Focal Point to develop a complete set of UN system-wide electoral policies.

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## **D. POLICY**

### **D1. Background**

4. Amongst other elements that are critical for the credibility and acceptance of an electoral process is the clear articulation of the rules governing the process, clear allocation of the roles and responsibilities for the planning and administration of the process and the effective carrying out of these responsibilities.

5. For the purposes of this document, electoral management bodies (EMBs) are understood to be the structures and individuals responsible for carrying out the many activities involved in the planning and administering of elections. While a single body may be primarily responsible for most of these activities, it is also common for electoral administration tasks to be distributed across multiple bodies and it is thus important to take the entire electoral management structure into account. Notwithstanding this, one main electoral management body is often the primary authority in charge of planning and organizing an electoral process, which is the main focus of this paper.

6. EMBs play a critical role as administrators of the process which is designed to capture the will of the people and therefore their design, composition and performance is a critical variable in the credibility of an electoral process and the acceptance of the results. It is therefore important for an EMB to be, and to be perceived to be, a credible entity by the various stakeholders involved in the process. Stakeholders should be convinced that the electoral process is carried out professionally and accurately right from the pre-election planning period up to the closure of any dispute regarding the results.

7. The existing academic literature and technical resources on electoral management is substantial. (A list of references at the end of the paper contains a selection of relevant titles). The intention here is not to replicate what has already been documented. Rather, it is to provide UN personnel with a general understanding of key aspects of electoral management bodies, UN electoral policy in this area and guidance on how to support Member States in designing or reforming such structures.

### **D2. Roles and Responsibilities of EMBs**

8. Broadly speaking, electoral management entails three main areas of responsibility - the development of the legal framework, planning and organizing elections and resolution of election-related disputes. The EMB is usually the primary body responsible for the planning and organising of the election, with varying levels of responsibility for the other two main areas.

#### **D2.1 Development of the legal framework**

9. The legal framework defines the responsibilities, structures and rules governing an electoral process, from establishing the right to vote and to compete for public office, to the assignment of responsibilities for electoral management, to the step-by-step procedures that are to be followed at each stage of the process. It therefore constitutes an essential element of the process. The legal framework should also define the process by which electoral complaints/appeals are filed and resolved. The development and impartial enforcement of an agreed legal framework can help facilitate the acceptance of results by all stakeholders and therefore contribute to certainty and security in the process.

10. The legislative branch of government has the responsibility to make laws and the role of the EMB is to issue regulations/administrative instructions further to the election law(s) already established by the legislative branch. Given the importance of the legal framework to the success of the elections, and the importance of that legal framework being both politically acceptable and technically feasible, EMBs often have some role in the legislative process, either through directly introducing draft legislative proposals or

through working with the relevant ministry or legislators to prepare legislation. The legal framework will usually consist of a number of instruments in a hierarchy, each of which defines different elements of the process to a greater or lesser degree. The legal framework for elections generally consists of:

- the national constitution or basic law;
- an electoral law;
- additional related laws which may deal with issues such as citizenship or the penal code, usually passed by the national legislature;
- a law regulating the existence and functioning of political parties, including political finance regulations;
- a body of regulations dealing with issues such as the EMB decision making process; and
- specific electoral procedures such as those governing the polling or counting process, usually issued by the EMB.

Each element which makes up the legal framework should be consistent with all other elements, especially those of higher authority, such as a constitution.

11. It is important to note that the procedures and perhaps even some regulations are likely to evolve during the electoral process to address issues progressively or as they come to the attention of the EMB, while the constitution and relevant laws are likely to be established well in advance of the commencement of the process and are therefore usually more stable.

## **D2.2 Planning and organizing elections**

12. Due to their nature and scope, organizing elections can pose administrative, operational and political challenges to an EMB. Therefore proper planning and effective administration is an essential element to a successful electoral process. While EMB functions and responsibilities vary from country to country, below are some of the most common responsibilities:

- Operational planning;
- Regulation development (including candidate nomination);
- Procedures development (including voter registration, polling and counting);
- Boundary delimitation;
- Recruitment and training;
- Voter registration planning and administration;
- Registration of political parties and candidates for an election;
- Regulation of political party and election campaign finance;
- Enforcement of regulation (including on party/candidate nomination for an election, political party and campaign finance, etc);
- Regulation of election-related media activities;
- Voter education and public information;
- Liaison with political parties, observer groups, media and relevant civil society organisations;
- Voting and counting operations; and
- Tabulation and announcement of results.

13. The above activities and functions may not all be concentrated in one body but usually the majority are under the responsibility of one EMB. Boundary delimitation, regulation of political party finance and campaign expenses, registration of political parties and regulation of election-related media activities are not uncommonly the responsibility of a body or bodies other than the primary EMB.

### **D2.3 Electoral dispute resolution**

14. Disputes may arise at any point in the electoral process, ranging from the appointment of the governing body or staff of an EMB, to the registration of political parties, candidates, or voters, the campaign period, polling and counting, or during the results process.

15. It is important that responsibilities for adjudication of disputes are clearly established prior to the commencement of the process. The main models for dispute resolution are:

- the EMB is responsible for resolving electoral disputes/complaints, often with the possibility of appeal to a higher body (usually the judiciary) for final adjudication;
- the establishment of a specialized body to address electoral disputes; and
- the regular court system adjudicates electoral disputes.

16. It may also be the case that the electoral dispute resolution mechanism varies according to the type of dispute or the law, rule or procedure that is alleged to have been violated. It is important to ensure that all electoral stakeholders have a clear understanding of the dispute resolution mechanisms and institutions in place and are able to access them easily, as and when needed.

### **D3. Models of EMBs**

17. There are a number of models for EMBs, any of which may be appropriate for any one country, depending on many factors including the particular circumstances and needs of the country at that time. Since there is great diversity in EMB models and within each of those models a variety of structures and allocation of responsibilities, there cannot be a "one size fits all" prescription in advising or deciding on a model of electoral management. Attempts to categorize EMBs usually include those that have an independent, governmental, or mixed character. Notwithstanding the model adopted by a country, it is important that members of an EMB recognize the need to carry out their tasks professionally, build trust and credibility and ensure the integrity of the electoral process.

#### **D3.1 Independent model**

18. Under this model, the EMB is institutionally independent and autonomous from the executive branch of government, and has and manages its own budget. Under this model the EMB is not accountable to a government ministry or department but may be accountable to the legislature, the judiciary or the head of state. The EMB may enjoy varying degrees of financial autonomy and accountability, as well as varying levels of performance accountability.

19. Countries that operate under this model include Canada, Chile, Ghana, India, Indonesia, Jamaica, Mexico, Sierra Leone, Serbia, Montenegro, Albania, former Yugoslav Republic of Macedonia, Yemen, Pakistan, Iraq, Libya, Tunisia, Kenya and Burundi.

#### **D3.2 Government model**

20. Under this model elections are organised and managed by the executive branch through a ministry such as the Ministry of Interior, Ministry of Internal Affairs or local municipal authorities. Usually the EMB will be led by a senior civil servant, possibly a minister, and will report to a cabinet minister.

21. Countries that operate under this model include Belgium, Ireland, Germany, Lebanon, Greece, Vietnam, Singapore, and New Zealand.

### **D3.3 Mixed model**

22. A mixed model EMB consists of two components, in which a branch of government runs the elections (as in the government model above) but in doing so remains under the supervision of a body that is independent of that branch of government and which usually has a supervisory/regulatory and policy role (as in the independent model above). The distribution of power and responsibilities between the two components can vary from country to country with the supervisory/regulatory body in some cases carrying out an observation type role and in others a clear supervisory and verification role. The most common example of this model is one in which a department or local government runs the election under the supervision of an independent body. A variation of this model includes one in which elections are administered through the judiciary who controls the entire electoral process, but usually supported by an administrative body which is established for the electoral process. While these temporary administrative bodies have direct control over the organization of the election, they are not per se considered part of the judiciary. Upon completion of the election, often these bodies dissolve.

23. Countries that operate under this model include France, Spain, Norway, Moldova, Netherlands, Côte d'Ivoire, Senegal, Mozambique and Japan.

### **D4. Organizational Structure of EMBs**

24. Given the significant responsibilities of an EMB, it is important that internal structures and responsibilities are clearly defined in the legal framework and other relevant documents that govern the EMB. EMBs are almost always composed of two distinct components: the governing body, which is the decision-making and supervisory component, and the Secretariat or administrative component.

#### **D4.1 Governing body**

25. The governing body of the EMB often referred to as "the Commission" or "the Board", is responsible for setting the regulations and rules in accordance with the constitution and related laws. It oversees the administration of the elections and often the adjudication of complaints. In addition to their common responsibilities, members of the governing body will sometimes have defined areas of responsibility (thematic or geographical) in order to provide clarity on reporting and oversight responsibilities. The governing body at the national level may decide to delegate powers in some areas of the electoral management process to governing bodies at sub-national level (e.g. regional, provincial).

26. Structure and Appointment: Usually the governing body is composed of a small membership (around 3-7) headed by a Chairperson. In some contexts, consideration for inclusivity could mean the establishment of a larger governing body. The Chairperson is usually appointed either by the highest executive of the country (Head of State), by parliament, or chosen by the members of the governing body. Various methodologies are used to appoint the members of the governing body. The main models in appointing the members include:

- government appointment (with or without consultation or recommendations from parliament or wider society);
- appointment by legislature or judiciary;
- appointment by a selection committee (independent, multi-party, judicial or a combination);
- political party appointment; and
- a combination of the above.

27. Very rarely and at the request of the member state, non-voting members or observers may also be appointed to the governing body, nominated by parties contesting

a specific election. This is usually done to bolster confidence in the electoral process and increase the transparency of the election administration among all parties.

28. When required to bolster trust in the electoral process, in some cases, an international member, including a representative of the UN, may be appointed into the governing body. Nonetheless, as stated in the Policy Directive on "Principles and Types of UN Electoral Assistance", due to the primacy of the principle of national ownership, this type of assistance is very rarely agreed to and is unlikely to be undertaken except in special post-conflict or decolonisation situations. In most of these cases the UN member would be a non-voting member. A UN voting member would require at least a Security Council or General Assembly mandate.

29. Qualifications: The requirements to become a member of the governing body vary from country to country and can also depend on the circumstances prevailing at any given time. Requirements can include a legal background or experience, electoral management experience and/or proven integrity and moral standing in society. Other considerations may include the need to ensure diverse ethnic, geographic or gender balance. There may also be representation of specific groups in society such as civil society or the bar association.

Independence, in terms of non-partisanship, is often considered an important quality for appointment and there may be a specific prohibition against affiliation with previous or current political parties. There are instances however, where all the main political groupings are represented in the governing body in order to have buy-in on decisions and a measure of joint responsibility for fair administration of the process. Examples of countries with a political-party based EMB include Albania, Azerbaijan, Serbia, the Former Yugoslav Republic of Macedonia, Togo, Chad and Côte d'Ivoire.

#### **D4.2 Secretariat**

30. The EMB secretariat is responsible for the planning and implementation of the administrative and operational tasks of an electoral process, in accordance with the legal framework and under the supervision of the governing body of the EMB.

31. Structure and Appointment: The appointment process of the secretariat staff varies. Where the EMBs are a mixed or government model, the staff are normally already public servants. Under the independent model, the staff may be directly appointed by the EMB but would normally have civil servant type contracts with similar terms and conditions. The tenure of staff also varies from those who may have permanent appointments in the secretariat of an EMB, to temporary staff who may be recruited for specific election periods.

32. The structure of the EMB secretariat will also vary from country to country. Nonetheless, it is usually headed by a Chief Electoral Officer or Chief Executive Officer/Executive Director and there may also be a Deputy Chief Electoral Officer. In some independent EMB models, the head of the secretariat also acts as secretary of the governing body and may or may not have voting rights at governing body meetings. The secretariat is usually divided into units or departments that deal with various aspects of electoral administration, such as:

- a. Electoral Operations (including voter registration, field coordination, training, procedures, etc)
- b. External Relations (including observer relations, political party/candidate and civil society liaison, etc);
- c. Legal Affairs,
- d. Public Information (including voter education and media relations)
- e. Logistics
- f. Procurement
- g. Administration (including finance, human resources, budget, etc)
- h. Data Management and Information Technology.

33. Different variations exist on how the above units or departments can be structured. Some EMBs have also created a separate voter registration unit/department and a gender unit/department to ensure that gender issues are mainstreamed throughout the work of the EMB.

34. The EMB secretariat often establishes sub-national offices at one or more levels which it supervises and which carry out the administrative and operational tasks at their respective levels.

35. Qualifications: Qualifications for EMB secretariat staff usually focus on relevant technical expertise. In most cases political neutrality is a requirement for secretariat staff. Some secretariats may adopt policies that target specific groups, such as women, to encourage greater inclusion and diversity among its staff.

#### **D.5 Tenure of EMBs**

36. There are two main variations in terms of the tenure of EMBs: temporary and permanent. The tenure of an EMB is usually provided for in the law establishing the EMB or in the electoral law.

##### **D5.1 Temporary EMBs**

37. Temporary EMBs are sometimes established as part of transitional arrangements or to conduct specific electoral processes. Usually they are dissolved after the completion of their mandate but on occasion they may be transformed into a more permanent body, particularly in post-conflict or transition contexts. In such cases, the mode of appointment of the members of the governing body may or may not change. Some stable democracies have also opted for temporary EMBs, which exist during the electoral period only, in order to reduce costs.

##### **D5.2 Permanent EMBs**

38. Permanent EMBs usually have permanent Secretariats, either at the national level alone or also at the sub-national level, while the tenure for the governing body members is usually limited. In some cases, the governing body's term may expire following an election, and members may be re-appointed in the lead-up to the next election.

#### **D6. UN Electoral Assistance Framework**

39. Before the UN provides any type of electoral assistance, two preconditions must be met: first, all UN electoral assistance must be based on a Security Council or General Assembly mandate or an official request from a member state or territory, and second, a needs assessment must be carried out by the UN Focal Point for electoral assistance. The Focal Point will approve or deem inappropriate UN electoral assistance, based on the assessment report, and define the type, parameters and modalities for the assistance.

#### **D7. Principles of UN Electoral Assistance in relation to EMBs**

40. In the Policy Directive on "Principles and Types of UN Electoral Assistance" (Ref. FP/02/2014), the UN Focal Point for electoral assistance sets out a number of principles to guide UN electoral assistance. In cases where the UN is asked to provide technical assistance in the design or reform of an electoral management body, it is imperative that all of these principles are adhered to. In addition, UN personnel providing such advice should be thoroughly familiar with the theoretical and practical aspects of electoral management and seek additional expertise in case of doubt, particularly from EAD/DPA. The following principles are of particular relevance when providing advice on EMBs:

### **D7.1 National sovereignty and ownership**

41. The main objectives for UN personnel providing support and advice on electoral management structures— when requested – should be to support national actors in a way that allows them to make fully informed decisions, based on a broad and shared understanding of their requirements and political objectives, and to adopt a model that is appropriate to the circumstances. The objective of UN's technical assistance in this, as in other areas, should be to assist national stakeholders in understanding the options available to them, identify important considerations for decision making and where appropriate, provide support and advice on implementing the chosen option.

42. In contexts where there is more than one international electoral assistance provider, UN personnel should aim, where possible, to build consensus and present a coordinated position on electoral management structures so as to avoid providing conflicting advice to national actors. However, where multiple options are presented to national actors, they should be allowed to make a decision on which option they prefer.

### **D7.2 Norm based but not prescriptive**

43. Another basic principle is that there is no single political system or single model for electoral management structures equally suited to all nations and their peoples, and that political systems and electoral processes are subject to many factors including historical, political, cultural and religious ones. As such, UN assistance to national actors on electoral management structures should not be prescriptive, should remain neutral on the options available to national actors, not interfere in national decision making processes, or lobby or favor one model over the other. However, this does not preclude UN experts from having an informed opinion on whether a particular aspect of such structures is likely to undermine confidence in and the credibility of the electoral process and it may be useful to share comparative experiences from other country contexts. Such opinions, if shared with national actors should always be constructive, discreet and accompanied by appropriate alternative solutions and comparative experiences.

### **D7.3 Political perspective**

44. UN personnel should develop a good understanding of the political context of a country, including conflict drivers, so as to ensure that relevant electoral management options are considered in the context in which the election is taking place. Additionally, UN personnel should assist national stakeholders to identify the most appropriate structure that would help overcome any existing sources of tension and would contribute to the conduct of credible and acceptable elections, especially for countries emerging from conflict.

### **D7.4 Gender perspective**

45. UN personnel should provide advice in ensuring that the relevant authorities are well sensitized on the need to give equal opportunities to both men and women at all levels in the design of electoral management structures, appointment of the governing body, development of regulations, recruitment of staff and in all other processes of the EMB.

### **D7.5 Inclusive, consultative and transparent**

46. From the outset, UN personnel should stress the importance of an inclusive, consultative and transparent process for designing or reforming electoral management structures. An inclusive process should reach out not only to established political actors, but also to women and other groups whose rights may have been traditionally neglected or restricted, which could include minorities, indigenous peoples and youth. An inclusive and consultative process for appointing the governing body should also be promoted, as well as in the overall administration of the electoral process.

## **D7.6 Cost effectiveness and sustainability**

47. UN advice and assistance should always consider how it can contribute to longer term sustainability of electoral processes, in light of other developmental and budgetary responsibilities and requirements. Cost, longer term consequences, capacity development, knowledge transfer and an exit strategy for the UN should be central to assistance and advice in this, as in other areas.

## **D8. Key Principles for the functioning of EMBs**

48. Whatever the model of electoral administration, there are a number of guiding principles that are generally considered cornerstones for an EMB in the conduct of credible and accepted elections.

### **D8.1 Independence and neutrality**

49. The independence of an EMB, from any undue influence, and neutrality in its decision making, are important principles in electoral management. It is crucial for the body managing the electoral process within a country to be seen as independent in its decision making from any partisan influence or control including from government, political or any other partisan influences. Independence in this regard does not refer to structural independence (as in the independent model of electoral management) and as such, any model may be able to operate without undue influence on its decisions. In the case of an EMB where members of the governing body are representatives of political interests, the important principle is that when a final decision is taken it is neutral in relation to all political interests.

50. Regardless of the model used, it is important to note that independence does not mean that it should operate freely without any accountability. An EMB is ultimately accountable to the voters but also to one or other institutions of state - the legislature, a ministry, the judiciary or the head of state. Accountability requirements may vary but will usually include a range of administrative and financial issues and an ability to demonstrate professionalism, impartiality and integrity.

### **D8.2 Impartiality**

51. The reality and the perception that an EMB acts impartially in all of its work and particularly in its dealings with voters, political parties and candidates is another important principle in relation to electoral management. It is crucial to ensure that every political party, candidate, voter or other participant is treated in an equal, fair and just way by the EMB and according to the established rules and procedures. For candidates and political parties, this includes being given fair access to public resources such as the public media or to public spaces for rallies to share their platforms with voters.

### **D8.3 Transparency**

52. Transparency in decision making and administration (operational and financial) is another important principle which promotes the credibility of the EMB and the integrity of the process in general. Decisions and information on various stages of the process should be communicated regularly, clearly and in a timely manner and stakeholders should have access to all information relevant to their participation in the process. Transparency is also important in promoting the accountability of the EMB. Broad-based consultations with stakeholders on major decisions can also contribute significantly to the integrity of the process.

### **D8.4 Professionalism**

53. Professionalism, meaning the conduct of all stages of the process in accordance with the various principles and procedures in an accurate, competent, efficient and cost

effective manner and having suitably skilled staff is also another important principle and key to engendering the trust of the various stakeholders in the process.

#### **D9. Considerations in the Design, Reform or Functioning of EMBs**

54. The above principles of UN electoral assistance and of electoral management should inform all UN advice in the design, reform or functioning of EMBs. The following are some of the main considerations that should be brought to the attention of national authorities when advising on possible EMB models and effective functioning.

##### **D9.1 Choice of EMB models**

55. The EMB is given a crucial role in managing a difficult and politically sensitive process and one of the key considerations is which model will best engender the trust of the various stakeholders. There is a great diversity in EMB models and any one model can be tailored to any particular country. A government department may be trusted to administer the process in an impartial manner or it may be felt that it has close links with the incumbent political power, in which case other models such as the independent model or the mixed model may be more appropriate. This requires careful consideration and will involve a range of factors specific to the country context. Regardless of the model chosen it is advisable to consider all options and all variations through a consultative process.

##### **D9.2 Review of existing structures and capacities**

56. An important initial consideration is the performance of existing or previous EMB structures. Key issues in this regard include the level of trust they engendered and whether they are/were effective and inclusive. Other important considerations include cost effectiveness and accountability. There are in fact many considerations in evaluating performance and assistance providers should advise the authorities on all of the most important issues to consider. It may also facilitate a process of identifying areas where improvement can be made to existing structures rather than necessarily the adoption of a completely new EMB structure. Part of this process may also involve assessing whether there are other organs of state capable of administering electoral processes.

57. For instance, the capacity of a government department can be supplemented if existing capacity is deemed inadequate or sufficient resources cannot be reallocated from other priorities within the department to fully administer the process. Appropriate options and variations can best be identified through extensive examination of the situation on the ground and discussions with all stakeholders.

##### **D9.3 Appointment of the governing body**

58. The governing body plays a key role in ensuring the integrity of the process. Key considerations in relation to the governing body include which basic model is chosen, how the members and chair are chosen, what qualifications are required, distribution of power and responsibilities between the governing body and the secretariat and the tenure of the governing body.

59. The choice of EMB model will have direct implications for the makeup and leadership of the governing body. The main considerations in this regard will include whether a senior civil servant, government minister or member of the judiciary would be generally trusted by stakeholders to lead and administer the process in a fair and impartial manner. Similarly if consideration is given to an independent model then independent minded individuals will need to be available or collective independence or neutrality assured. These considerations should be part of the overall assessment of which model is most appropriate in the country circumstances. Depending on the model chosen, the options for choosing the governing body members and chair will vary.

### ***D9.3.I Consultation in appointing the governing body***

60. Broad consultation in choosing the members of the governing body is amongst the most important considerations to enhance trust and confidence in the process as a whole. While the person making the formal appointment has a role in the process; what is most important is broad consultation on the appointment process and where it's a non-party model, the hope is that the members have broad cross-party support. With a party-based EMB, the theory is that neutrality comes from balance – therefore consultation on the members is less important (as they are assumed to be party people). However, they normally aspire for broad agreement in the number of governing board members, who gets to be on the board and the voting arrangements. Any selection process should aim at enhancing public and stakeholders' confidence and trust in the electoral process. It is advisable that clear criteria and qualifications be agreed for the selection and the process is carried out in a transparent manner. The number of governing board members also needs to be decided. Generally this number is odd and small, around 3-7, in order to mitigate against cumbersome decision making processes, although in some transitional contexts, consideration for inclusivity could mean the establishment of a larger governing body. The process for selecting the chair should also be as consultative and transparent as possible.

### ***D9.3.II Clear eligibility criteria for the appointment of the governing body***

61. As mentioned previously the requirements to become a member of the governing body vary from country to country and can also depend on the circumstances prevailing at any given time. Requirements can include a legal background or experience, electoral management experience and/or proven integrity and moral standing in society. Independence, in terms of non-partisanship, is often considered an important quality for appointment but there are instances where all the main political groupings are represented on the governing body in order to facilitate political acceptance of decisions, the process and the results. This is more commonly the case in societies emerging from conflict or at an early stage of democratic transition. There may of course be instances where a political-party-based EMB can hinder decision-making when the parties' interests are allowed to hinder the reaching of consensus. These considerations will have to be weighed when providing advice on partisan or non-partisan appointments. Essentially it is the neutrality of the governing body as a whole and its decisions and its overall ability to administer the process in a politically neutral and non-partisan manner that is important, rather than necessarily the independence or neutrality of individual members. Ultimately it is for the state to decide what qualifications are most important, both in terms of professional qualifications, personal qualifications and ultimately the overall composition of the governing body. It is important for UN personnel to assist in the identification of possible and important qualifications and the implications of each to assist the decision making process. Consultation and consensus, first in the selection of criteria or qualifications and second in their application, are also important measures that can play a significant part in the credibility and acceptance of the process as a whole. Other considerations may include the need to ensure diverse ethnic, geographic or gender balance or the inclusion of representatives of civil society.

### ***D9.3.III Clear division of responsibilities***

62. The distribution of power and responsibilities between the governing body and the secretariat is an important consideration for effective electoral management. Generally, the role of the governing body is setting policy, high level decision making and oversight, while the secretariat is usually responsible for the administrative and operational tasks of the process. Within this broad division of responsibilities, the secretariat will need to decide, on the operational implementation of the process. Clarity on who makes what decisions and how these decisions are communicated will increase efficiency and help to avoid duplication and confusion. There are many variations in the distribution of responsibilities and the precise division, which may be influenced by the EMB model chosen and circumstances in the country at the time. All these protocols

should be clarified in appropriate instruments such as the legal framework or internal procedures. In addition to internal division of responsibilities, it is important that the EMB's responsibilities vis-a-vis other bodies responsible for elements of the electoral process, such as dispute resolution, are clarified in a similar manner.

63. A well-conceived set of internal regulations, including a clear division of labour within the EMB secretariat and how the governing body operates, can also lend credibility to the EMB. It is advisable that the following issues be addressed in these regulations:

- when and how formal meetings of the governing body are held; it can be useful if, for example, the head of the EMB secretariat attends these meetings and contributes to discussions held, particularly if the secretariat head is an ex-officio member.
- how decisions are made by the governing body, documented, and disseminated;
- organisational structures and reporting lines including a clear delineation of roles and responsibilities between the governing body and the secretariat.

#### ***D9.3.IV Tenure of the governing body***

64. Tenure of office is also an important consideration for the governing body. Important factors include the preservation of institutional memory and particularly in the case of the independent model, security of tenure in order to safeguard the independence of individual members. In some cases the appointment of the governing body members is staggered in order to provide overlap in membership, continuity and the preservation of institutional memory. Separating the timing of the appointment of members of the governing body from upcoming electoral events is also common.

65. The code of conduct or oath of office, which governs the behaviour and conduct of members of the governing body, is usually signed upon appointment. In most jurisdictions, the term of office for a member is clearly spelt out in the law. Members of the governing body should be free from the pressure of arbitrary removal. They may only be removed under terms as spelt out in the law and after these processes have been fully complied with. For example, a member may be dismissed for malpractice, following a majority vote by fellow members of the governing body; their decision approved by the legislature, and eventually signed off by the head of the executive branch of government.

#### **D9.4 Structure and Staffing of the Secretariat**

66. In addition to the distribution of power and responsibilities between the secretariat and the governing body as highlighted above, other important considerations relate to the structure of the EMB and staffing issues.

67. The EMB model will have implications for the secretariat. In the government model, staff will primarily come from the civil service, usually one particular department. This can provide the EMB with a readily available work force but there will be other considerations such as whether staff have the required skills and experience. If not, consideration will need to be given to how capacity can be built or supplemented from elsewhere. The independent model provides an opportunity to ensure qualified and experienced staff are recruited but can require very significant time and resources for the recruitment process. Similar considerations need to be taken into account when considering whether the EMB is temporary or permanent. A permanent EMB can reduce the recruitment burden over time and can facilitate the building up of experienced staff and the general institutional memory of the EMB but the costs can be significant particularly during down periods between elections. Conversely, a temporary EMB may save money but at the same time it can make it more difficult to build up capacity, experience and institutional memory. Both short and long term considerations need to be taken into account in advising on and deciding these issues.

68. The structure and staffing of the EMB secretariat is an important consideration for EMB planning. Elections are significant logistical and political processes. Therefore

access to information and the involvement of all stakeholders in the process is key to a successful process. To be managed effectively, structures, responsibilities and reporting lines need to be clearly defined. Staffing levels also need to be sufficient to ensure all tasks can be carried out. This applies to the national as well as the sub-national level. It is important that beyond the basic structure, advice is provided on all of the above to ensure the model will have adequate capacity to carry out all required tasks.

69. Depending on the EMB model, additional considerations will include recruitment processes and training and capacity building of staff. Although the general rules for recruitment may be governed by civil service rules, they may need to be tailored to the requirements of the EMB and circumstances such as large volume of recruitment in short periods. Training and capacity building efforts need to be tailored to the requirements of the EMB. They should also aim to facilitate women's involvement throughout the work of the secretariat, and particularly in the more senior levels of decision making. All these processes require significant time and resources and need to be factored into decision making processes and planning.

#### **D9.5 Cost implications**

70. Elections are significant logistical exercises and political processes that require significant resources and outreach. At the same time, a country will have other competing demands on its resources and therefore the cost implications of the various options need to be carefully considered, particularly the cost implications of the various EMB models. Government models tend to be viewed as less expensive, as many of the staffing, facility and resource costs are included in the government budget and do not represent an additional and new expense. However, these costs are in any case borne by the government and cannot therefore be allocated to other government activities. In addition, these costs are only a portion of the overall cost, as there are additional operational costs for directly administering the process, such as materials and temporary staffing, which usually make up the larger part of the electoral budget. Temporary EMBs are sometimes viewed as less expensive but the additional costs of building up the secretariat, including training programmes, prior to each electoral event can be significant. In cases where donor funding is required to supplement the cost of an electoral process, it is often the case that donors will agree to pay for some things but not others. This can be an important consideration in deciding models, staffing levels and the distribution between permanent and temporary staffing. Assistance should include an analysis of the cost implications of the various models and to the extent possible the cost of all resources including staff, facilities, materials and services.

71. EMBs are often accountable directly to the legislative branch for their budgets and on occasion partially funded by donors. It is important that no undue influence is placed on the EMB particularly in relation to commitments or release of funds. It is advisable to establish mechanisms, such as staggered and predictable disbursements, to ensure that no such undue influence is placed on the EMB. The EMB will of course need to develop budgets with clear explanations and justifications and will be accountable for its expenditure. It is important that these issues are considered early on in the process of designing how the EMB will operate and be accountable.

#### **D9.6 Clear and comprehensive legal framework**

72. Having an electoral legal framework that is clear and coherent can greatly contribute to a more efficient electoral process in which the EMB can carry out its tasks with clarity and electoral stakeholders can understand their rights and how the process works.

73. Some of the main issues that should be considered in developing the legal framework include the following:

- Roles and responsibilities in the electoral process particularly in relation to the responsibilities of the EMB;

- Procedures or responsibilities for appointments to the governing body and any relevant issues such as qualifications and tenure of office;
- Rules governing the electoral process including requirements in order to vote and to run for public office; and
- Process for lodging any complaints and appeals and roles and responsibilities in relation to these processes.

74. In considering roles and responsibilities, bearing in mind that there may be more than one body with responsibility for different aspects of the process, it is important to advise national authorities on the various options in relation to the distribution of responsibilities that will best suit the situation on the ground. Considerations in this regard will include how to make the most of comparative advantages, without leading to too much fragmentation of responsibilities which can make coordination and management of the overall electoral process more difficult.

75. Many of the issues contained in the legal framework are central to the electoral process and it is very important that stakeholders are aware of these issues. The legal framework should always be available to all stakeholders and outreach, civic and voter education campaigns should endeavour to disseminate the crucial elements as widely and as timely as possible.

76. Changes to the legal framework that appear arbitrary or politically motivated may undermine the process, while those that clarify potentially contentious issues in advance and in a fair manner will help lend credibility to the process. Therefore arbitrary changes to the legal instruments of electoral management should be discouraged, particularly close to an electoral event.

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## **E. TERMS AND DEFINITIONS**

The term 'electoral management body' or EMB refers to an organisation or body that is legally responsible for, managing one or more of the elements that are essential for the conduct of elections, and of direct democracy instruments – such as referendums, citizens' initiatives, and recall votes – if those are part of the legal framework.

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## **F. REFERENCES**

### **Normative or superior references**

- The Universal Declaration of Human Rights
- The International Covenant on Civil and Political Rights

### **Related Guidance**

- Policy Directive: Principles and Types of UN Electoral Assistance (Ref. FP/02/2014)
- Policy Guideline: United Nations Electoral Needs Assessments (Ref. FP/03/2014)
- Policy Directive: UN support to electoral system design and reform (Ref. FP/02/2013)
- Policy Directive: Promoting Women's Electoral and Political Participation through UN Electoral Assistance (Ref. FP/03/2013)

### **Additional Resources**

Electoral Management Bodies as Institutions of Governance. Professor Rafael Lopez-Pintor. Bureau of Development Policy, UNDP, September 2000.  
[http://www.beta.undp.org/content/undp/en/home/librarypage/democratic-governance/electoral\\_systemsandprocesses/electoral-management-bodies-as-institutions-of-governance.html](http://www.beta.undp.org/content/undp/en/home/librarypage/democratic-governance/electoral_systemsandprocesses/electoral-management-bodies-as-institutions-of-governance.html)

The ACE Project, <http://aceproject.org/ace-en/topics/em>

The BRIDGE Project, <http://bridge-project.org/curriculum/curriculum/979-modules/974-electoral-management-design>

The Introduction to Election Administration topic <http://bridge-project.org/curriculum/curriculum/979-modules/968-introduction-to-electoral-administration> also includes information and material on electoral management

Electoral Management Design: *The International IDEA Handbook (2006)*.  
<http://www.idea.int/publications/emd/index.cfm>

Electoral management during Transition: Challenges and Opportunities, IDEA Policy Paper, August 2012, <http://www.idea.int/publications/electoral-management-during-transition/loader.cfm?csModule=security/getfile&pageid=53312>

Antonio Spinelli: Strategic Planning for Effective Electoral Management – A Practical Guide for Election Management Bodies to conduct a strategic planning exercise (2011). International Foundation of Electoral Systems (IFES).  
[http://www.ifes.org/~media/Files/Publications/Books/2011/Strategic\\_Planning\\_Guide\\_2011.pdf](http://www.ifes.org/~media/Files/Publications/Books/2011/Strategic_Planning_Guide_2011.pdf)

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## G. MONITORING AND COMPLIANCE

The Focal Point is tasked with ensuring coordination within the United Nations system with regard to electoral assistance and will therefore help to ensure that the principles outlined in this document are adhered to.

Managers of UN electoral assistance programs and projects will also be responsible to ensure compliance with this directive by all UN electoral staff under their supervision.

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## H. DATES

This policy became effective on 26 June 2014. It shall be reviewed in two years or as necessary.

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## I. CONTACT

Policy and Institutional Memory Team, Electoral Assistance Division, Department of Political Affairs.

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## J. HISTORY

Drafted by the Policy and Institutional Memory Team, Electoral Assistance Division, Department of Political Affairs on 26 June 2014.

Consulted with members of the Inter-Agency Coordination Mechanism for UN Electoral Assistance (ICMEA) prior to adoption.

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SIGNED:

DATE: 26 June 2014