



When to Engage with an Electoral Management Body

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Introduction

This guide is intended to help democracy support organisations, international partners, and diplomatic missions decide whether engaging with an electoral management body (EMB) is an effective way of promoting electoral integrity in the countries where they are active. There are several ways to support EMBs, including technical assistance, staff training, and advocacy. The focus of this paper, however, is on *whether* to engage with EMBs, rather than *how* to engage.

EMBs vary significantly in terms of their mandate, independence, organisational structure, and capacity. They operate in democratic and authoritarian environments, and they can both promote and inhibit the integrity of elections. Understanding the composition, powers, and role of a given EMB is an important first step when deciding whether to provide programmatic and/or diplomatic support.

Box 1. Electoral Integrity

An electoral system has 'integrity' if it guarantees universal suffrage and political equality, and delivers elections in a professional, impartial and transparent way (<u>International IDEA and Kofi</u> <u>Annan Foundation 2012</u>).

For an election to have integrity, key democratic institutions and norms must function properly, and there must be widespread public confidence in the electoral and political system. EMBs can help to ensure that electoral norms and institutions function properly, and that the public has confidence in the electoral process. However, they are not solely responsible for this, and they cannot deliver electoral integrity single-handedly. Other actors, including state institutions, political parties, civil society and the media must also play a role.

What Is an Electoral Management Body?

An EMB is the body or organisation that is legally responsible for managing the key aspects of elections and referendums. This includes: (a) determining who is eligible to vote; (b) receiving and validating the nominations of political parties and candidates; (c) administering the polls; (d) counting the votes; and (e) tabulating the votes.¹



¹ International IDEA (2014) <u>Electoral Management Design, Revised Edition</u>, p5.

Mandates

In some countries, EMBs have a wider mandate. For example, they may also be responsible for:

- Registering voters.
- Drawing the boundaries of electoral districts.
- Registering political parties and candidates.
- Regulating political party finance.
- Managing parties' and candidates' access to the media during campaign periods.
- Informing voters about the electoral process.
- Improving the inclusivity of elections and promoting the participation of women and marginalised or otherwise disadvantaged groups.

Model and Conduct

Broadly, EMBs can be classified into one of three categories: independent, governmental, or mixed. (Note: There is variation within each of these categories.) All EMBs, should behave impartially and transparently, and they should have sufficient capacity to manage the electoral process effectively.

EMB Model	Characteristics
Independent	The EMB is independent of the executive and has full ownership of the election. It does not report to the executive and its members are selected from outside of the government. It has its own budget which it manages independently. ³ Countries with an independent EMB include Canada, India, and Nigeria. ⁴
Governmental	Elections are entirely managed by the government through a ministry or a network of local executives. The EMB is fully accountable to the executive and is led by a minister or civil servant. Its budget is set and overseen by the government. Countries with a governmental EMB include Norway and Sweden.
Mixed	Mixed EMBs have a dual structure: a policy, monitoring or supervisory EMB which is independent from the executive; and an implementation EMB which operates within the government. Countries with a mixed EMB include Japan, Senegal, and Spain.

Table 1. EMB Models - Who Runs the Elections?²

⁴ For more information on the EMBs given in the country examples in this table, see the following case studies in ACE (2024) Electoral Management: <u>Canada, India, Nigeria, Norway</u>, <u>Sweden</u>, <u>Japan</u>, <u>Senegal</u> and <u>Spain</u>.

² Information drawn from: ACE (2023) <u>The Composition, Roles and Functioning of an EMB</u>, IDEA (2014) <u>Electoral Management Design (Revised Edition)</u>, and Lopez-Pintor (2000) <u>Electoral Management Bodies as Institutions of Governance</u>

³ However, the budget is often allocated by parliament and/or another non-executive branch of government.

Independent EMBs are more common than governmental or mixed EMBs. However, formal independence does not guarantee that an EMB can act in a truly independent way in practice. Governments and political parties often face strong incentives to influence or control the activities of EMBs. These incentives may be particularly strong where EMBs have power over key processes which can influence electoral outcomes, such as voter registration or the delimitation of electoral boundaries.⁵ Therefore, even among formally independent EMBs, levels of actual independence can vary significantly.

The actual independence of EMBs can be limited in several ways. For example, the government may directly influence the work of the EMB by determining its strategic and operational priorities. Alternatively, the government may indirectly influence the EMB by controlling its budget, shaping its appointment and recruitment procedures, or determining its organisational structure. In some cases, the commission itself – that is, the key decision-making branch of the EMB (see Figure 2 below) – may be captured by political interests.⁶ As such, corruption and ideological affiliation within the organisation itself can also compromise the EMB's independence.

A truly independent EMB is one which is granted formal independence and has the capacity to exercise that independence in practice.⁷

International partners and democracy support organisations may choose to engage with independent and professional EMBs, or with compromised EMBs. However, the ease, manner and purpose of engagement is likely to vary between these two cases. Engaging with independent, transparent, and professional EMBs can be a straightforward and effective way of supporting the continued improvement of an already well-functioning, if imperfect, electoral system. Such engagement may focus on capacity building or improving registration rates among marginalised voters, for example. By contrast, partners may choose to engage with compromised or weak EMBs in order to help correct deficiencies in a flawed electoral system and encourage the EMB to become more independent and professional. Both forms of engagement can contribute towards democratic governance development goals, but international partners will need to weigh the costs and benefits of engagement on a case-by-case basis.

 ⁵ International IDEA (2021) <u>Independence in Electoral Management: Electoral Processes Primer 1</u>
 ⁶ Ibid.

⁷ International IDEA (2014) <u>Electoral Management Design, Revised Edition</u>



Figure 1. Ideal EMB Conduct

Centralized vs Decentralized

In unitary states, there is often a single, centralized EMB which is responsible for conducting all elections. In federal or mixed states, there may be several decentralized EMBs which are responsible for conducting elections at the regional, municipal, or district level. For example, Mexico's National Electoral Institute (INE) has its own national structure, with local offices in each of Mexico's 32 states and 300 districts. These local offices support the organization of federal elections for the presidency and congress. In addition, there are also 32 independent state-level EMBs in charge of organizing local elections.⁸

Permanent vs Temporary

EMBs may be permanent or temporary, depending on their mandate, staff capacity, and the regularity of electoral events (including elections, voter registration initiatives, and voter education

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⁸ INE (2024) Organismos Públicos Locales

campaigns).⁹ In some cases, permanent central EMBs can coexist with temporary subordinate EMBs at lower levels.

Permanent EMBs tend to have better institutional memory as they have higher rates of staff retention. They also have longer to prepare for an election. By contrast, temporary EMBs have to manage with less experienced staff, lower overall capacity, and less time to prepare.

Structure and Composition

Typically, the structure of an EMB consists of two or three levels (see Figure 2). The highest level is usually a committee or commission, led by a chairperson, which is responsible for supervising the work of the EMB.¹⁰ The second level consists of a secretariat which is responsible for the day-to-day running of the organization, and which oversees several of the EMB's key functions, including staff training, voter registration, and legal services. Finally, depending on the administrative structure of the EMB, there might be a network of local offices in charge of implementing election related activities at the regional, municipal, or district level.

The structure and composition of an EMB can have implications for its neutrality, capacity, and internal governance. Partners should consider these implications when deciding whether to engage.

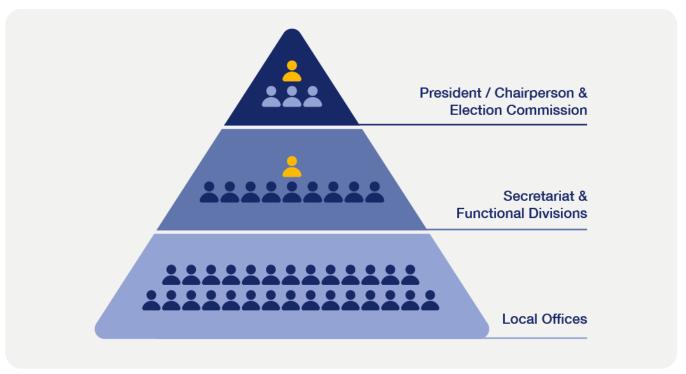


Figure 2. EMB Structure

⁹ International IDEA (2014) <u>Electoral Management Design, Revised Edition</u>

¹⁰ Note: Most governmental EMBs are not led by a committee or commission, but rather by a minister or senior civil servant.

Appointments

EMB members (usually called commissioners or councillors) are responsible for the overall management of the institution. These members usually need to meet certain qualifications and must undergo specific appointment procedures. In some countries, EMB members must be representative in terms of gender and other socio-demographic characteristics.¹¹ To be effective, EMB members – and especially the chairperson – should enjoy the respect of the government, the legislature and wider society. The chairperson should also have access to the highest levels of government.¹²

Broadly, there are two basic appointment models for EMB members: the 'multi-party' model and the 'expert' model.¹³ Under the multi-party model, political parties nominate their own representatives to the EMB commission and these representatives are expected to hold one another to account. Under the expert model, the commission is composed of non-partisan specialists who meet certain requirements. Whichever model (or combination of models¹⁴) is used, the appointment procedures should ensure that the EMB is politically impartial.

However, governmental EMBs usually do not have appointed members. Instead, they are typically run entirely by secretariat staff.¹⁵

Staff and Capacity

Ideally, EMBs should have sufficient capacity to manage an election successfully, but this is not always the case. Even independent EMBs may 'lack the skills, know-how and budget [...] to manage a contest efficiently'.¹⁶ When deciding whether to engage with an EMB, partners should consider the organization's capacity and skillset, bearing in mind that these factors can vary, across departments within the organization, and over time.

The Political Context in which EMBs Operate

When deciding whether to engage with an EMB, partners should also assess the wider political context, as this can determine whether any engagement is likely to be effective in promoting electoral integrity.

¹⁴ Ibid.



¹¹ For example, in Bosnia and Herzegovina, the Central Election Commission must consist of two Bosniacs, two Croats, two Serbs and one member representing the 'other' ethnic groups. See OSCE-ODIHR (2022) <u>Bosnia and Herzegovina, General Elections 2022- ODIHR needs assessment mission report</u> for more information.

¹² International IDEA (2014) Electoral Management Design, Revised Edition, p.108

¹³ ACE Project (2024) EMB Members: Respected Experts of Watchdogs on Each Other?

¹⁵ International IDEA (2014) <u>Electoral Management Design, Revised Edition</u>

¹⁶ Karp, J. et al. (2017) Building Professional Electoral Management

In many ways, it is easier to work with EMBs in contexts where elections are competitive, and candidates and political parties are able to participate and campaign freely. Such engagement may be aimed at promoting continued improvement in voter registration systems or EMB capacity, for example. However, it is still possible to support EMBs when these conditions are not met. In flawed democracies and even hybrid regimes, EMBs often play an important role, either by supporting a peaceful transfer of power or limiting the scope of democratic backsliding.

In some cases – and especially in authoritarian contexts – governments may try to manipulate or co-opt an EMB in order to gain an unfair advantage over their electoral competitors. Whilst EMBs in these contexts may be nominally independent, in reality they are often controlled by the ruling party or the president.

Manipulation of the EMB can occur at any stage throughout the electoral cycle (see Figure 3). The absence of irregularities on election day does not necessarily mean that the election was credible, or that the EMB behaved impartially. Engaging with EMBs in these contexts can pose reputational risks for international partners and democracy support organisations, especially if their engagement is taken as tacit endorsement of a flawed election.



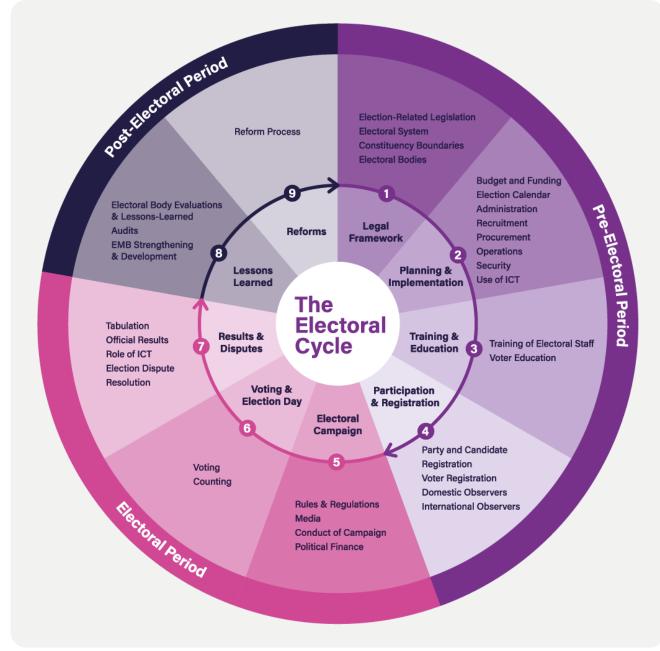


Figure 3. The Electoral Cycle

Box 2. EMB Mandates Across the Electoral Cycle

EMBs do not always cover all the functions in the electoral cycle. Often, separate agencies are responsible for different tasks. In Australia, Redistribution Committees draw and update electoral boundaries. In Colombia, the National Registration Office updates the voters' roll. In the United States, while elections are conducted by diverse local authorities, it is the Federal Election Commission who enforces campaign finance laws. Understanding the exact mandate of an EMB is important when deciding whether and how to engage.



Political actors may choose from a range of tactics when trying to manipulate an election, beyond influencing or co-opting the EMB. Throughout the electoral cycle, governments and other political actors may try to shape the legal framework, influence voter and party registration rules, or change campaign rules to gain an unfair advantage. They may also try to unduly influence key actors, such as the opposition or voters themselves. Whether or not partners should engage with EMBs will depend, in part, on the degree to which there is a level political playing field and the degree to which the EMB is complicit in any political attempts to undermine the competitiveness of the process.

Box 3. Mistakes vs Fraud

Organizing an election is a complex process. It is a massive logistical operation involving multiple actors with different responsibilities. Therefore, genuine mistakes – arising from human error, technical problems, or logistical failures – are common.

Partners need to distinguish between unintended mistakes and deliberate wrongdoing. Mistakes are accidental and often the result of poor planning, inadequate training, or simple blunders. Wrongdoing – or electoral fraud – is a deliberate attempt to manipulate the outcome of an election.

Risks of engagement for EMBs and Partners

Engaging with EMBs can pose risks both for EMBs themselves and for partner organisations trying to support them. This section presents some of the risks that partners should consider prior to engaging.

Risks for EMBs¹⁷

EMBs face numerous risks throughout the electoral cycle. In the normal conduct of their duties, they may have to deal with last-minute amendments to electoral laws, budget constraints, technological failures, disputed election results, and low levels of political and public trust (among others).¹⁸

Support from international partners can – in some situations – exacerbate the risks that EMBs already face or introduce new risks.

¹⁷ This section draws on Australian Electoral Commission and International IDEA (2021) <u>Risk Management in</u> <u>Elections: A Guide for Electoral Management Bodies</u> and ACE Project: <u>Electoral Management</u>.

¹⁸ Australian Electoral Commission and International IDEA (2021) <u>Risk Management in Elections: A Guide for Electoral</u> <u>Management Bodies</u>

Political Risks

- Accusations of foreign influence: International support to EMBs may stoke accusations that the EMB is not independent or impartial. This could undermine public trust in the EMB, the election process, and/or the results of an election.
- **Government backlash:** Some governments may use the international community's support for an EMB to justify curtailing its powers, independence, or resources.

Operational and Financial Risks

- Conflicting demands: It is not uncommon for EMBs to receive funding and support from multiple international partners who may have conflicting priorities and interests. If not sufficiently coordinated, this can mean EMBs face contradictory requirements from different partners.
- **Financial dependence:** Ongoing support from international partners can cause EMBs to become dependent on foreign funding for election management in the long run.

Sustainability Risks

- Inconsistent delivery: In some cases and particularly in post-conflict settings international partners may provide almost all the funding for transitional elections. If this level of funding cannot be sustained through future election cycles, the quality of delivery at subsequent elections may deteriorate, leading to dissatisfaction with electoral services, and mistrust in the EMB and the electoral process.
- Technology costs: New technologies can improve electoral processes from voter registration to boundary delimitation to vote counting. However, where international partners support EMBs to adopt these technologies, this can create long-term cost commitments (for example, maintenance costs or license fees) which EMBs may struggle to meet if international support diminishes in the future.

Risks for Partners

Reputational Risks

- **Reputational harm:** Engaging with EMBs which do not behave impartially and transparently throughout the whole election cycle can pose reputational risks for partners, especially if their support is seen as tacit endorsement of a flawed election.
- **Diplomatic relations:** Engaging with EMBs may be seen as undue interference by some governments and the partner country's diplomatic relations with senior officials could suffer as a result.

Financial Risks

 Delays and diversions: In some countries, financial support to EMBs is channelled through government ministries. In these cases, government bureaucracy and/or corruption can lead to delays or diversions in the disbursement of these funds.¹⁹

¹⁹ ACE Project: <u>Electoral Management</u>

• **Duplication:** EMBs often receive financial support from multiple donors. This can sometimes lead to a duplication of funding.

Questions to Consider When Deciding Whether to Engage with an EMB

Mandate

- Does the EMB's mandate provide scope to address the key risks to electoral integrity?
- Is there scope for supporting the EMB to improve the inclusivity of elections and promote the participation of women, persons with disabilities, or other marginalised groups?

Model and Conduct

- To what extent does the EMB behave impartially and transparently?
- If the EMB has been co-opted to some degree, is there still room to support incremental change?
- Is the EMB willing to cooperate with, and accept support from, international donors, CSOs and/or other partners?

Permanent vs Temporary

- Is the EMB permanent or temporary?
- If temporary, how long before the election is the EMB established? Is there sufficient time to meaningfully engage?
- Is there any continuity in staffing since the previous election cycle?
- Does the EMB have the capacity for long-term reform, or is it entirely focussed on delivering the next election?

Appointments

• Is the commission seen as sufficiently impartial and trustworthy by key political stakeholders and the public?

Staff and Capacity

• Does the EMB have sufficient skills, experience, and budget to manage the election?

Political Context

 Is the EMB operating in the context of a democratic, flawed, hybrid or authoritarian regime? To what extent is there a level political playing field?



Risks

- Will international engagement expose the EMB to accusations of foreign influence or potential government backlash?
- Is the EMB already being supported by other international partners? Can we engage in a way that complements existing workstreams without placing conflicting demands on the EMB? Is further support necessary?

Next Steps

If consideration of the questions above suggests that engaging with an EMB may be an effective way to promote electoral integrity, there are several other steps partners may wish to take to refine their approach to engagement.

- Commissioning or conducting an electoral political economy analysis (E-PEA) can help
 partners to develop a more nuanced understanding of the state of a country's electoral
 integrity, the risks of deterioration, and the opportunities to strengthen it throughout the
 electoral cycle. An E-PEA can help to assess how an EMB operates in the wider political
 context, what its strengths and weaknesses might be, and what (if any) entry points for
 support partners should consider.
- Partners should also review their existing governance programming especially any
 programming relating to electoral integrity and consider how additional support for an EMB
 would fit alongside and complement existing activities.
- Partners should also consult with other agencies and democracy support organisations including other diplomatic missions and CSOs – to understand what work is already underway and how they might best tailor any engagement so as to avoid duplication of effort and maximise impact.

Westminster Foundation for Democracy (WFD) is the UK public body dedicated to supporting democracy around the world. Operating internationally, WFD works with parliaments, political parties, and civil society groups as well as on elections to help make countries' political systems fairer, more inclusive and accountable.

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