

Executive Summary

This compendium is designed to provide policy-makers and staff of election management bodies with a reference guide to the democratic values, principles and practices of the Commonwealth which should be reflected in the work they do to consolidate and deepen democracy in their countries. It is also offered to assist governments, political parties and civil society organisations understand better the role, functions and responsibilities of those tasked with delivering credible elections.

Chapter One, which is grounded in the *Charter of the Commonwealth*, stresses that elections are a means to an end: the objective is to secure and sustain the legitimacy of government within a truly inclusive and democratic society.

Such a democracy must be built on the firm foundation of respect for people, and their inalienable human, social and political rights. This means political equality and freedom from discrimination for all, the right to participate fully in the political process, to receive and impart information, and to associate freely with others in order to advance political views and interests.

Chapter Two sees the independence of the election management body as an indispensable bulwark in protecting and defending constitutional order. Its role is to provide a level playing field for the electoral contest. The election management body must operate firmly, without partisanship, in an open and candid manner, at all times working to protect the rights of individuals and political parties.

Chapter Three looks in greater detail at the specific powers, functions and responsibilities of an independent election management body. In line with the conclusions of Commonwealth Working Group, it stresses that:

The election management body must be independent and impartial, which means not being under external direction, control or subject to undue influence – including, and most crucially, on the part of the government but also of financial (local or foreign) and other interests.

The chapter explores the practical implications of the Commonwealth's values and principles with regard to the core functions of the election management body. It details the arrangements that need to be put in place to prevent incumbent governments taking unfair advantage of their position. It also discusses the responsibility of the election management body – with regard to staffing, funding, and management and administration – always to act with integrity and openness.

Chapter Four examines a number of the key challenges facing election management bodies today as they organise elections that are not only 'free' but also 'fair'. The subjects discussed are: i) achieving gender equity; ii) fair voting; iii) gerrymandering; iv) the politics of identity; v) intimidation and violence; vi) dirty money; vii) meeting

the challenge of social media; viii) democracy in small and island states; and ix) ‘fair’ or only ‘free’ elections?

The observations in this publication are not exhaustive, nor are they designed to provide the last word on any of the issues under discussion. The compendium’s purpose is to bring to bear the core values and principles of the Commonwealth on some of the practical challenges facing election management bodies as they work to strengthen democracy and improve the quality of elections in their own jurisdictions.

The **annexes** reflect information provided by each Commonwealth election management body on that country’s standards for democratic legitimacy; the legal framework establishing the election management body; its funding arrangements; and its administrative structure. Commonwealth countries are evidently and gradually moving towards a common approach in regard to the need for, and the establishment and role of, independent election management bodies.

Key characteristics of a Commonwealth election management body

A Commonwealth election management body should be **constitutionally mandated** not just to organise regular elections, but to ensure that they are fair to all contestants, credible and inclusive – proactively working to secure freedom of speech and freedom of association without discrimination.

It must be **independent and impartial**, which means not being under external direction, control or subject to undue influence – including, and most crucially, on the part of the government, but also of financial (local or foreign) and other interests.

It should ideally be a **permanent body**, rather than one created for each election, so as to be present throughout the electoral cycle.

It needs to have effective **influence over all aspects of the electoral process**, including the delimitation of electoral boundaries.

It must be competently and efficiently managed, composed of people who have the **confidence of society** as a whole and command the trust of the political parties. Selfish party interests should be removed from the appointment process. Members must be **protected by and subject only to the constitution and the law**; they should be removable only for cause – and not be persons whose further career advancement is dependent on their performance in the election management body.

The **role and authority** of the electoral management body should be defined and protected in the constitution, and its **specific competencies, powers and functions** need then to be enacted in legislation. Such legislation should include **powers to make policy**, relating both to the conduct of elections and building of democratic culture during and between elections.

The electoral management body should have specific powers to **adjudicate disputes** and, where necessary, **apply sanctions** against those who cheat or fail to comply with its decisions. Alternatively, a judicial mechanism needs to be put in place that is specifically designed to provide **immediate** remedies. Either way, effective sanctions for electoral malpractice must be available, but need to be applied judiciously. Where problems arise, the first step should be through **consultation and mediation**.

The electoral management body must have: **adequate funding**, assigned by parliament and not subject to arbitrary control on the part of government; appropriate staffing, accommodation, facilities for training and equipment; and **power to appoint its own personnel**, with effective control over any seconded members of the public service. The tenure of senior staff members should be protected. Strong controls, including in regard to procurement, must be in place to stop **corruption**.

The electoral management body should **maximise public participation** in all aspects of the electoral process; and, to that end, provide **comprehensive information** to all in an open and impartial manner. **Codes of conduct**, drawn up in consultation with stakeholders, can play an important role in building responsible participation.

Bona fide **election observers**, including foreign observer groups, should be welcomed. Both citizen and, if they are present, international observers should provide a comprehensive assessment. The electoral management body should review and, where appropriate, act upon observer recommendations.

The electoral management body should have the responsibility to **review periodically** the functioning of the electoral process and legislation, and make recommendations to parliament for improvement.

Finally, the election management body should be **inclusive and open**, reflecting, within its own operations, the Commonwealth's core values and principles – as reflected in the Commonwealth Charter – and always sensitive to the importance of gender equity and the needs of those who are, or who feel, marginalised.