

Annexes

Constitutional Provisions and Establishment Clause

Antigua and Barbuda

Background	Name of EMB:	Electoral Commission – Antigua and Barbuda
	Status:	Permanent
Establishment of the EMB	Number of commissioners:	Seven
	Number of full-time EMB staff:	Fifty
	Constitutional and/or legislative provisions for establishment of the EMB:	Representation of the People (Amendment) Act 2001 and 2002
	EMB’s mandate:	The Electoral Commission was established for the purposes of conducting elections under the Representation of the People Act.
	EMB model:	Mixed
	What standards are established in the constitution or other legislation for democratic legitimacy?	The standards are enshrined in the Preamble of the Antigua and Barbuda Constitution Order 1981.
Appointment, tenure and removals	Provisions for the appointment of commissioners:	The Chairman is nominated by the Prime Minister after consultation with the Leader of the Opposition; the Deputy Chairman is nominated by the leader of the opposition after consultation with the Prime Minister; two members are nominated by the Prime Minister; one member is nominated by the leader of the opposition; one member is nominated jointly by the Antigua Christian Council and the United Evangelical Association; one member is nominated jointly by the Antigua and Barbuda Chamber of Commerce and Industry, the Antigua and Barbuda Trades Union Congress and the Antigua and Barbuda Employers’ Federation. All members are appointed by the Governor-General by instrument under the Public Seal.
	Political status of commissioners:	Appointments are made in their personal capacities.
	Chair qualifications:	None specified
	Commissioner qualifications:	None specified
	Tenure of chair and commissioners:	Tenure is seven years and member is eligible for re-appointment, but must leave on attaining the age of 75 years.

	Provisions for the removal of commissioners:	Removal is made after the matter is referred to a tribunal set up by the Governor-General following representation by the Prime Minister or Leader of the Opposition.
	Provisions for the appointment of EMB senior staff:	The supervisor of elections is appointed on resolutions by both houses of parliament; other staff are appointed by the Electoral Commission.
	Tenure of EMB senior staff:	On contract for fixed periods or having attained the age of 60 years.
	Provisions for the removal of EMB senior staff:	The Supervisor of Elections can only be removed by the Governor-General following recommendations of a tribunal; other staff can be removed by the Commission after due process.
Funding arrangements	Setting and control of EMB's budget:	The Commission prepares and forwards its budget to the minister responsible for electoral affairs for transmission to the Ministry of Finance.
	Financial autonomy:	The EMB has no financial autonomy as its funds are drawn from the Consolidated Funds controlled by the Ministry of Finance.
Electoral system	Legal provisions for financial autonomy:	None specified
	Number of chambers/houses within the legislature:	Bicameral: the House of Assembly – Lower House; the Senate – Upper House.
	Voting system:	First-past-the-post (FPTP)
	Amendments to electoral laws:	Amendments to electoral laws may be proposed to the Minister responsible or are drafted by the Attorney-General's Chambers and tabled in Parliament.
	Drafting of electoral regulations:	Subject to affirmative resolution of the House of Representatives, the Electoral Commission may amend regulations, or add to the rules contained in the First Schedule (Election Rules) of the Representation of the People (Amendment) Act 2002.
	Electoral dispute resolution mechanisms:	Handled by the High Court by way of an Election Petition, in the first instance.
Other issues:		
Secretariat	Administrative autonomy:	Yes
	Women in senior positions:	Ninety-five per cent of the positions in the EMB are filled by women.
	Administrative structure:	The departments are: Administrative, Data Processing and Registration.