

Botswana

Background	Name of EMB:	Independent Electoral Commission – Botswana
	Status:	Part-time (commissioners) and permanent Secretariat
	Number of commissioners:	Seven members including the chair
	Number of full-time EMB staff:	The EMB has a staff complement of 173 employees and is recruited on a permanent basis. An additional ten officers serve on secondment from other government departments for the provision of specialised services to the EMB. They are also in permanent employment.
	Constitutional and/or legislative provisions for establishment of the EMB:	Sections 65A and 66 of the Constitution of Botswana. The Judicial Service Commission (JSC) appoints the chairman, who shall be a judge of the High Court, and his or her deputy, who shall be a legal practitioner. The JSC appoints five other members from a list of persons recommended by the All Party Conference. The Secretariat of the Commission is headed by a secretary (Chief Executive Officer) appointed directly by the President, and his or her functions are subject to the directions and supervision of the Commission (Section 66 of the Constitution).
EMB's mandate:	The Commission is responsible for the conduct and supervision of elections for elected members of the National Assembly, those for members of the local authority and for the conduct of a referendum. It ensures that elections are conducted efficiently, properly, freely and fairly.	
EMB model:	The EMB is a mixed model.	
What standards are established in the constitution or other legislation for democratic legitimacy?	Sections 61, 62, 66, 67, 68, 69 and 91 of the Constitution of Botswana, the Electoral Act, the Referendum Act and the Supplementary Provisions for Presidential Elections.	
Provisions for the appointment of commissioners:	Section 65A of the Constitution of Botswana. The Judicial Service Commission (JSC) appoints the chair, who shall be a judge of the High Court, and his or her deputy, who shall be a legal practitioner. The JSC appoints five other members from a list of persons recommended by the All Party Conference.	
Appointment, tenure and removals		

	Political status of commissioners:	The appointment of commissioners is based on expertise. Commissioners have no political status.
	Chair qualifications:	The Chair shall be a judge of the High Court (Section 65A (1) (a) of the Constitution of Botswana).
	Commissioner qualifications:	No qualifications other than those of the chair and his/her deputy. However, appointments are based on experience and the moral standing of an individual in public affairs.
	Tenure of chair and commissioners:	The term of office for the commission is two successive lives of parliament, which is ten years.
	Provisions for the removal of commissioners:	There is no security of tenure for commissioners in the law.
	Provisions for the appointment of EMB senior staff:	Members of the Secretariat are appointed in accordance with employment policies and procedures determined by the Directorate of Public Service Management (DPSM) and are part of the larger public service. This appointment includes that of the deputy secretary. This cadre remain subject to redeployment to other departments within the public service, as their appointments are also governed by the Public Service Act.
	Tenure of EMB senior staff:	Senior staff are employed until the compulsory retirement age of 60 years. However, members of the executive cadre (two officers) are appointed on a three-year contract basis.
	Provisions for the removal of EMB senior staff:	The removal follows the procedures laid down in the Public Service Act, General Orders and associated directives which regulate the public service.
Funding arrangements	Setting and control of EMB's budget:	Budgeting and utilisation of funds follow the Public Financing Instructions and Financial Procedures under the direction of the Ministry of Finance and Development Planning. The commission submits its budget proposal to the ministry, which assesses it within the government's general budget ceiling. After approval of the estimation, the budget is presented by the minister for presidential affairs and public administration and debated in parliament, with subsequent approval.
	Financial autonomy:	The EMB does not have financial autonomy.
	Legal provisions for financial autonomy:	The EMB does not have a legal basis for financial autonomy.

Electoral system	Number of chambers/houses within the legislature:	One house (the National Assembly) of 57 elected members and four specially nominated members.
	Voting system:	Majoritarian (FPTP)
	Amendments to electoral laws:	EMB and stakeholders recommend and propose amendments to the executive.
	Drafting of electoral regulations:	Yes, as long as such do not have statutory implications in the laws of Botswana.
	Electoral dispute resolution mechanisms:	EMB-established Party Liaison Committees, comprising representatives of political parties and civil society organisations under its chair. They deal with electoral disputes at the local level before escalation to courts of law.
Other issues:		
Secretariat	Administrative autonomy:	Administrative autonomy under the direction and advice of the Directorate of Public Service Management, which controls the size of the public service.
	Women in senior positions:	There are 11 women in senior positions, out of 183 permanent members of staff (6 per cent).
	Administrative structure:	The EMB operates with five units, these being: Elections; Information/Education and Research; Information Technology; Public Relations; as well as Human Resources and Administration.